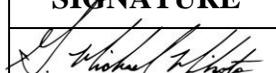


TITLE	LEAVE	NUMBER
		5.11
AUTHORITY	CENTRAL CAROLINA TECHNICAL COLLEGE	DATE
		April 14, 2020
OFFICE OF RESPONSIBILITY	VICE PRESIDENT FOR BUSINESS AFFAIRS	SIGNATURE
		

I. POLICY

It is the policy of Central Carolina Technical College to grant leave to eligible employees in a manner consistent with the guidelines for leave contained in the State Human Resources Regulations and the State Board for Technical and Comprehensive Education (SBTCE) Policies Nos. 8-3-100, 8-3-101, 8-3-102, 8-3-103, 8-3-104, 8-3-105, and 8-3-106.

II. ANNUAL LEAVE

NOTE: Teaching faculty do not accrue annual leave or holiday leave, but are granted non-work days. Faculty non-work days are explained in Section IV.

A. Eligibility

Annual Leave shall be accrued by and granted to:

1. Full-time classified employees in full-time equivalent (FTE) positions, temporary grant employees if provided through the grant, unclassified non-teaching personnel, and institutional officers.
2. Part-time classified employees in FTE positions, temporary grant employees if provided through the grant, who are scheduled to work at least one-half (1/2) the workweek on a twelve (12) month basis, or who are scheduled to work the equivalent of one-half (1/2) the workweek during the full school or academic year of nine (9) months or more.

B. Crediting and Computation

1. Employees who are in pay status one-half (1/2) or more of the workdays of the month shall earn annual leave for the full month. If they are in pay status for less than one-half (1/2) of the workdays, they shall earn no annual leave.
2. Employees shall earn annual leave while on annual leave, sick leave, or other authorized leave with pay. Employees shall not earn annual leave while on leave without pay.

3. An employee's annual leave earnings are computed based on the number of hours in the employee's workweek.
4. An employee's annual leave earnings are based on the employee's leave accrual date. The leave accrual date reflects:
 - a. All State service in an FTE position, including part-time service, adjusted to reflect periods when there was a break in service;
 - b. All service as a certified employee in an FTE position of a school district of this State; and
 - c. At the discretion of the President, or his designee, all service in any temporary capacity counted towards the employee's probationary period.
5. Credited Service
 - a. Employees hired prior to June 2, 1972
Employees as of June 2, 1972, shall carry forward all service as a State employee prior to June 2, 1972, for purposes of determining annual leave earnings.
 - b. Cumulative service
Subsequent to June 2, 1972, all employees who are rehired following a break in service shall be given credit for prior state service for purposes of computing bonus earnings. No credit shall be given for the period between termination and reemployment. Any employee in an FTE position of a state agency or department must be given full state service credit for prior service as a certified employee of a school district of this State for purposes of computing bonus earnings and no credit under this paragraph may be given for any out-of-state teaching service or other service with an out-of-state school district.

C. Rate of Earnings

1. Workweek Schedule of 37.5 Hours Per Week
 - a. To determine the number of hours in a workday, divide the total number of hours an employee is regularly scheduled to work during a week by five (5) (regardless of the number of days the employee actually reports to work).
 - b. Service of ten (10) years or less

Full-time employees in FTE positions and eligible temporary grant employees working 37.5 hours per workweek with State service of less than ten (10) years shall earn annual leave dating from the date of employment at

the rate of one and one-fourth (1¼) workdays per calendar month of service in each calendar year. See Annual Leave Chart below.

c. Service of more than ten (10) years

Full-time employees in FTE positions and eligible temporary grant employees working 37.5 hours per workweek with State service of more than ten (10) years shall earn a bonus of one and one-fourth (1¼) workdays of annual leave for each year of continuous service over ten (10) years. See Annual Leave Chart below. The annual leave earnings based upon State service time of over ten years shall be granted to employees on a calendar month basis beginning the month after their leave accrual date. In addition, all service as a certified employee in an FTE position of a school district of this State must be used to calculate the leave accrual date. (S.C. Code Ann. § 8-11-640) Bonus leave earnings for temporary grant employees is a College option based on the availability of funding.

Annual Leave Chart

37.5 hours per workweek schedule

Years of Service	Earning Rate	
	Days per Year	Hours per Month
1-10	15.00	9.38
11	16.25	10.16
12	17.50	10.94
13	18.75	11.72
14	20.00	12.50
15	21.25	13.28
16	22.50	14.06
17	23.75	14.84
18	25.00	15.63
19	26.25	16.41
20	27.50	17.19
21	28.75	17.97
22 & over	30.00	18.75

Part-time employees in FTE positions shall earn bonus leave days on a pro rata basis consistent with the method in which regular annual leave is credited for part-time employees in FTE positions.

2. Schedules Other than a Five-Day Workweek of 37.5 Hours per Week

All employees earn the number of days per year based on their years of service. However, the earning rate in hours per month varies according to the length of the workweek. If the workweek differs from 37.5 hours, divide the number of hours in the workweek by 37.5, then multiply this ratio by the earnings rate in the last column of the annual leave chart above.

D. Maximum Accrual and Carryover

1. Eligible employees shall be permitted to carry over from one calendar year to the next any unused annual leave up to a total accumulation of forty-five (45) workdays. Refer to SBTCE procedure 8-3-100.1 for an exception for employees that accumulated in excess of 45 workdays as of June 2, 1972. During the calendar year, an employee may earn annual leave in excess of the forty-five (45) workdays; however, the employee may only carry over forty-five (45) days to the next calendar year.
2. Eligible employees who change from being full-time to part-time or from part-time to full-time, without a break in service, shall retain the annual leave hours previously earned. If this change results in the employee having a maximum accumulation in excess of forty-five (45) workdays as of the effective date of the change, the employee shall not forfeit the excess. The employee shall retain this excess leave which shall be the maximum amount the employee may carry over into future years. If the employee subsequently reduces the amount of such leave carried over, the reduced amount, if in excess of forty-five (45) work days, shall become the employee's maximum carry over into future years. If the employee further reduces the amount of such leave carried over to forty-five (45) workdays or less, forty-five (45) days shall become the maximum amount of unused annual leave the employee may thereafter carry over.

E. Using and Scheduling Leave

1. Leave taken under this section may qualify as leave under the Family and Medical Leave Act (FMLA) and, if so, will run concurrently.
2. Scheduling Leave
 - a. To the degree possible, employee requests for specific periods of annual leave shall be approved in advance and honored. The College may consider workloads, work distributions, and similar factors when reviewing these requests, which may necessitate change.
 - b. College approval is required for the specific periods the employee will be on annual leave, to include beginning and ending dates and computation of total hours.
 - c. Requests for annual leave must be made in advance to the appropriate supervisor. Leave may not start until approved.

If an employee has an emergency or urgent personal matter and does not have time to process the required leave request, s/he should obtain telephone permission from the supervisor prior to taking time off. Upon return to work, the necessary leave report is to be completed.

- d. College employees may be required to use annual leave during periods when the College is closed. These days will be specified according to the College calendar prepared each year. Employees will be notified in advance of days when use of annual leave will be mandatory.
- e. No advances of annual leave can be granted.
- f. **Sickness During Annual Leave**

When sickness occurs during a period of annual leave, sick leave may be granted to cover the length of illness and a physician's certificate may be required. This application for sick leave must be within two (2) days after expiration of annual leave. If sick leave is exhausted, the employee may be placed on leave without pay or may use any accrued annual leave.

3. Maximum Days Used per Year

- a. The maximum number of earned days of annual leave that may be used in any one calendar year shall not exceed thirty (30) workdays (or 225 hours for full time and the pro rata equivalent for part time employees).

- b. **Exception**

- (1) For Family and Medical Leave Act qualifying reasons, the President may allow an employee who has used all eligible sick leave and thirty (30) days of annual leave to use any remaining annual leave for:

- (a) Emergencies or serious health conditions of the employee;
- (b) Emergencies or serious health conditions of the employee's immediate family ("immediate family" is defined as the employee's spouse and children and the following relations to the employee or the spouse of the employee: mother, father, brother, sister, grandparent, legal guardian, and grandchildren).

- (2) For emergency or extreme hardship conditions as referenced in S. C. Ann. § 8-11-670, the President or his designee may allow an employee, who has used all accumulated sick leave and thirty (30) days of annual leave to use any remaining annual leave which he/she has accumulated.

- (3) An employee may request review by the State Human Resources Director the denial of the use of annual leave as provided in the South Carolina Department of Administration's Human Resources Division Regulations, Section 19-709.03.

4. Increments for Use of Annual Leave

An employee's annual leave shall be used in quarter hour increments.

5. Holiday During Leave

A holiday observed by the College while an employee is on a period of annual leave that falls on a day that the employee would otherwise have been scheduled to work shall not be charged as a day of annual leave.

F. Transfer From One State Agency To Another

1. An employee who transfers without a break in service from one agency to another shall transfer earned annual leave.
2. When a full-time employee transfers to an agency that has a different workday, his annual leave at the transferring agency shall be converted to equivalent days of annual leave at the receiving agency.
3. When an employee transfers from a position in which he earns both sick and annual leave to a teaching position of academic rank at a State supported institution of higher learning, the employee shall be paid for earned annual leave according to Section 19-709.05.
4. When the employee with a maximum carryover in excess of forty-five (45) workdays transfers from one agency to another, the employee shall retain the higher maximum carryover at the receiving agency. If the employee subsequently reduces the amount of such leave carried over, the reduced amount, if in excess of forty-five (45) workdays, shall become the employee's maximum carryover into future years. If the employee further reduces the amount of such leave carried over to forty-five (45) workdays or less, forty-five (45) days shall become the maximum amount of unused annual leave the employee may thereafter carryover. During the calendar year, the employee may earn annual leave in excess of the forty-five (45) workdays; however, the employee may only carryover forty-five (45) days to the next calendar year.
5. Temporary grant employees must be paid accrued annual leave upon termination as outlined in the temporary grant appointment form.

G. Movement Between Non-Faculty and Faculty Positions Within the Technical College System

1. When an employee moves from a non-faculty position in which he earns both sick and annual leave to a faculty position within the Technical College System, the employee shall be paid for earned annual leave according to the Department of Administration's Human Resources Division Regulations Section 19-709.05.
2. When a faculty member moves to a non-faculty position in which he earns both sick and annual leave within the Technical College System, a lump sum payment will be made for banked and unused non-work days according to Section IV. E. below, not to exceed forty-five days.

H. Payment Upon Separation Of Employment

Upon separation from State employment, a lump sum payment will be made for unused annual leave, not to exceed forty-five (45) days, unless a higher maximum is authorized under the Department of Administration's Human Resources Division Regulations Section 19-709.02 C., and without deducting any earned leave taken during the calendar year in which the employee separates except retirees hired by the state after June 30, 2005.

Upon the death of an employee while in active service, the estate of the deceased employee shall be entitled to the lump sum payment not to exceed forty-five (45) days except as included in SC Code of Laws 8-11-610.

Part-time employees' lump sum payments will be on a pro rata basis.

The annual leave payout should be calculated based on the employee's final rate of pay, including longevity, temporary salary adjustments, or any other pay (excluding overload or dual employment) that the employee is receiving at the time of separation.

III. SICK LEAVE

A. Eligibility

Sick leave shall be accrued by and granted to:

1. Full-time employees in full-time equivalent (FTE) positions, temporary grant employees if provided through the grant, and
2. Part-time employees in FTE positions and temporary grant employees, if provided through the grant, who are scheduled to work at least one-half (1/2) the workweek of the College on a twelve (12) month basis or who are scheduled to work the equivalent of one-half (1/2) the workweek of the College during the full school or academic year of nine (9) months or more.

B. Rate of Earnings

1. Workweek Schedule of 37.5 Hours Per Week

All full-time College employees in FTE positions shall earn sick leave beginning with the date of employment at the rate of one and one-fourth (1¼) work days per month of service not to exceed fifteen (15) days per year. To determine the number of hours in a workday, divide the total number of hours an employee is regularly scheduled to work during a week by five (5) (regardless of the number of days the employee actually reported to work). A full-time employee will earn 9.38 hours per month of sick leave (7.5 hours times 1.25).

All part-time employees in FTE positions shall earn sick leave beginning with the date of employment on a pro rata basis that produces the equivalent earnings of one and one-fourth (1 ¼) work days per month not to exceed fifteen (15) days per year. For example, if a part-time employee is regularly scheduled to work twenty (20) hours per week, twenty (20) hours divided by five (5) days equals a workday of four (4) hours. Therefore, the monthly amount of sick leave earned will be five (5) hours (4 x 1.25).

2. Additional Sick Leave May Be Granted

In addition to sick leave that may be earned as provided in this section, the President may grant up to fifteen (15) workdays of additional sick leave in extenuating circumstances only upon written verification from a health care practitioner that the employee is expected to return to work within that period of time. Upon return to work, the employee will have all earned sick leave applied to the leave deficit at the rate of one and one-fourth (1¼) days per month (or if part-time, the monthly earnings rate) until the deficit has been eliminated. Where no competent medical prognosis is available and an approximate date of return to active duty cannot be ascertained, the employee should be placed on leave without pay status. If an employee separates from employment before satisfying the leave deficit and returns to state employment, the leave deficit will need to be satisfied upon reemployment.

C. Maximum Accrual and Carry-over

Full-time and part-time employees in FTE positions shall be permitted to accrue and earn up to one hundred ninety-five (195) workdays (S.C. Code Ann. 8-11-40). Full-time and part-time employees in FTE positions shall carry over from one calendar year to the next any unused earned sick leave up to a total maximum carryover of one hundred eighty (180) workdays.

Exceptions

Any employee, who prior to January 1, 1969, earned and carried over unused sick leave in excess of one hundred eighty (180) workdays pursuant to the existing policy of any State agency at that time, or who changes from being full-time to part-time or from part-time to full-time, without a break in service, resulting in a maximum accumulation in excess of one hundred eighty (180) days, shall not forfeit the excess, but shall retain such excess leave which shall become the maximum amount the employee may carry over into future years. If the employee subsequently reduces the amount of such leave carried over, the reduced amount, if in excess of 180 workdays, shall become the employee's maximum carryover into future years. If the employee further reduces the amount of such leave carried over to 180 workdays or less, 180 workdays shall become the maximum amount of unused annual leave the employee may thereafter carry over. During the calendar year, an employee may earn sick leave in excess of 180 workdays; however, an employee may only carry over 180 days into the next year.

D. Crediting and Charging Sick Leave

1. Crediting Sick Leave

Employees who are in pay status for at least one-half or more of the workdays of the month shall earn sick leave for the full month. If they are in pay status for less than one-half the workdays, they shall earn no sick leave. Employees shall earn sick leave while on sick leave, annual leave, or other authorized leave with pay. Employees shall not earn sick leave while on leave without pay.

2. Charging Sick Leave

An employee's sick leave shall be used in quarter hour increments. When a holiday is observed by the College while an employee is on sick leave, such day shall not be charged as a day of sick leave.

E. Verification and Use of Sick Leave

NOTE: Leave taken under this section may qualify as FMLA leave and, if so, will run concurrently.

1. Verification

The use of sick leave shall be subject to verification. Employees absent from work for three (3) consecutive days or more shall normally be required to present medical certification or other acceptable documentation of the necessity for the absence and the inclusive dates of disability. The College may, however, before approving the use of sick leave, require the employee to present medical certification or other acceptable documentation of the necessity for the absence and the inclusive dates of disability regardless of the amount of sick leave requested.

2. Use of Sick Leave

An employee shall be granted sick leave if absent for any of the following reasons:

- a. Personal illness or injury that incapacitates the employee to perform the duties of the position.
- b. Exposure to a contagious disease such that presence on duty could endanger the health of fellow employees, when certified by a licensed physician.
- c. Appointment for medical or dental examination or treatment when such appointment cannot reasonably be scheduled during non-work hours. To the degree possible, examination appointments must be approved in advance by the supervisor.

- d. Sickness during pregnancy or other temporary disabilities. To the extent permissible, the date on which sick leave for disability is to begin shall be at the request of the employee based on the determination and advice of a doctor. In no event shall such date be prescribed unilaterally by a supervisor except on the basis of professional medical opinion that the employee is physically incapable of performing normal duties or that continuing to perform normal duties would be hazardous to the health of the employee.
 - e. Treatment of substance abuse: Sick leave may be granted for the purposes of participating in public and/or private treatment and rehabilitation programs which have been approved by the South Carolina Department of Mental Health.
 - f. Employees earning sick leave as provided in this section may use not more than ten (10) days of their earned sick leave annually to care for ill members of their immediate families. In this instance, "immediate family" means the employee's spouse and children and the following relations to the employee or the spouse of the employee: mother, father, brother, sister, grandparent, legal guardian, and grandchildren.
 - g. An adoptive parent may use up to six (6) weeks of accrued sick leave to take time off for purposes of caring for the child after placement. The leave authorized by this section may be requested by the employee only if the employee is the person who is primarily responsible for furnishing the care and nurture of the child.
3. Use of Sick Leave Before Going on Leave Without Pay

In qualifying sick leave situations, the employee shall use all sick leave before going on leave without pay. Employee requests for exceptions must be in writing and approved by the College President.

F. Transfer

1. Between State Agencies

Employees, with the exception of temporary grant employees, who transfer without a break in service to the College from another state agency shall transfer their accumulated sick leave up to the total amount accrued adjusted to the scheduled workweek of the College. In the case of any employee transferring from an agency under whose system the employee has, prior to January 1, 1969, a maximum accumulation in excess of that currently authorized by the College, the total shall be transferred.

If the employee subsequently reduces the amount of sick leave carried over to 180 workdays or less, 180 workdays shall become the maximum amount of unused sick leave the employee may thereafter carryover.

2. Between the College and a South Carolina School District

An employee of the College transferring to a school district of the state or a school district employee transferring to the College, without a break in service, is permitted to transfer to and retain at his new employer all sick leave he/she accumulated at the former employer regardless of employment status at the new employer.

G. Sickness During Annual Leave

When sickness occurs during a period of annual leave, sick leave may be granted to cover the length of illness. A physician's certificate or other appropriate documentation may be required.

This application for sick leave must be made within two (2) days after their return from annual leave. If sick leave is exhausted, the employee may be placed on leave without pay or may use any accrued annual leave.

H. Worker's Compensation

Leave taken under this section may qualify as Family Medical Leave Act (FMLA) leave and, if so, will run concurrently.

1. In the event of an illness or accidental injury arising out of and in the course of employment with the College, which is covered under Worker's Compensation, an employee who is not eligible for or who has exhausted his paid administrative leave, shall make an election to use either earned leave time (sick, annual/faculty non-work days or both) or Workers' Compensation benefits awarded in accordance with Title 42 of the South Carolina Code of Laws.
2. The employee shall make an election under one of the following options:
 - a. To use sick leave, annual leave/faculty non-work days, or both. When earned leave is exhausted before the employee can return to work, the employee shall be entitled to Worker's Compensation benefits at the time leave is exhausted.
 - b. To use Worker's Compensation benefits awarded in accordance with Title 42 of South Carolina Code of Laws, as amended.
 - c. To use sick leave, annual leave/faculty non-work days, or both on a pro-rated basis in conjunction with Worker's Compensation benefits according to the formula approved by the State Department of Administration.
3. Before the election is made, the effect of each available option on the employee's future leave earnings must be explained to the employee by the employer. The election must be in writing and signed by the employee and the person who explains the options. The election of the employee is irrevocable as to each individual incident.

4. Regardless of which option an employee elects, the employee will continue to be eligible for payment of medical costs provided by the State Accident Fund.

I. Separation of Employment

Upon separation of employment other than retirement, employees shall forfeit all earned sick leave or voluntarily donate the allowable amount to the College sick leave pool.

1. Retirement

Upon retirement, an employee who is a class two member of the SC Retirement System or Police Officer Retirement System shall receive service credit for no more than ninety (90) days of his/her unused sick leave at no cost to the employee. The leave must be credited at a rate where twenty (20) days of unused sick leave equals one (1) month of service. This additional service credit may not be used to qualify for retirement.

2. Reduction in Force Rights

An employee who is reinstated within one (1) year of the date of separation shall have his/her sick leave restored.

3. Up to Six Month Exception to Break in Service

An employee who has received prior approval for an extension to the 15-day break in service shall have his/her sick leave restored if transferred or appointed to another FTE position within the approved time period.

IV. FACULTY NON-WORK DAYS

A. Definitions

“Faculty” includes all College personnel whose primary responsibility is direct classroom instruction or a combination of instructional, supervisory, and/or management responsibilities in direct support of instruction. Professional librarians are considered to be faculty and are subject to the provisions of this section.

B. Eligibility

1. Faculty do not accrue annual leave or holiday leave. Full-time faculty in FTE positions are granted twenty-three (23) non-work days per thirty-nine (39) week academic term (Fall and Spring semesters) inclusive of holidays (as observed by the College). In addition, bonus non-work days are granted as follows, based on the number of continuous State service years with the South Carolina Technical College System (SCTCS) and are awarded as of the beginning of the fall term for a total of:

10 years but less than 15 years of continuous SCTCS FTE service:	1 additional day
15 years but less than 20 years of continuous SCTCS FTE service:	2 additional days
20 or more years of continuous SCTCS FTE service:	3 additional days

2. Full-time faculty who are employed during the summer term(s) are granted additional non-work days at the rate of .385 days per week worked, not to exceed five (5) days. When determining the appropriate number of eligible non-work days for faculty working pro-rata (less than full-time) during the summer term(s), the College will also provide pro-rata non-work days.
3. Faculty employed after the beginning of the fall term will be allotted the scheduled non-work days remaining in the pre-defined calendar; faculty members terminating employment will not be paid for any non-work days remaining in the pre-defined calendar.

C. Use of Non-work Days

A number of faculty non-work days are scheduled within the College's academic calendar and in recognition of College and/or State holidays. Faculty are required to observe the scheduled non-work days, unless specific prior approval is granted by the Vice President for Academic Affairs.

Non-work days not scheduled in the academic calendar may be used as emergency or personal leave days with prior approval of the appropriate department chair. Non-work days not scheduled in the academic calendar and not taken as emergency or personal leave days by the end of the academic term may be carried forward in accordance with section D. below.

At the discretion of the College President, deans/chairs, and librarians may have flexibility when scheduling non-work days. However, the non-work days must be used or banked before the beginning of the new academic year.

D. Carry-over of Unused Non-work Days

Faculty may carry forward or "bank" up to five (5) unused non-work days each academic year up to a maximum of forty-five (45) days. Once carried forward, accumulated non-work days may only be taken with the written approval of the President or his designee.

E. Termination of Employment

Upon a faculty member's separation from the SCTCS, or if a faculty member moves to a non-faculty position within the SCTCS, a lump sum payment will be

made for banked and unused non-work days, not to exceed forty-five (45) days
Upon death of a faculty member while in active service, the estate of the deceased faculty member shall be entitled to the lump sum payment not to exceed forty-five (45) days.

V. F. E. DUBOSE CAREER CENTER

A. Teacher Non-Work Days

Definitions

“Teacher” includes all F. E. DuBose personnel whose primary responsibility is direct classroom instruction or a combination of instructional, supervisory, and/or management responsibilities in direct support of instruction. Teachers work one hundred-ninety (190) days in an academic year (fall and spring semesters). Guidance counselors work two hundred (200) days in an academic year (fall and spring semesters).

Eligibility

Teachers do not accrue annual leave or holiday leave. Teachers do not work on national holidays. F.E. DuBose teachers in FTE positions will be granted the number of teaching days that are in the respective academic year calendar based on the Clarendon School District Two calendar.

In addition, F. E. DuBose teachers are granted bonus non-work days after ten (10) years of continuous State service with the South Carolina Technical College System (SCTCS), which are awarded as of the beginning of the fall term for a total of:

10 years but less than 15 years of continuous state service	1 additional day
15 years but less than 20 years of continuous state service	2 additional days
20 or more years of continuous state service	3 additional days

Teacher Non-Work Days Carryover

Teachers will be allowed to carry over a maximum of five (5) non-workdays to the subsequent calendar year. The maximum number of carryover days will be limited to forty-five (45) days. If a teacher has non-workdays remaining at the end of employment, up to a maximum of forty-five (45) days will be paid out at the end of employment.

B. Sick Leave Accrual and Usage

Sick Leave accrual and usage shall be executed as defined in Section III of this directive.

C. Family Sick Leave

Family Sick Leave accrual and usage shall be executed as defined in Section III of this directive.

D. Summer Accrual

Teachers do not accrue or earn non-work days or sick leave during summer months since they are not scheduled to work during those months and summer is not part of the academic year.

E. Personal Leave

Teachers do not earn or accrue personal leave.

F. Funeral Leave

Funeral leave usage shall be executed as defined in Section VII of this directive.

G. Jury Duty

Jury duty leave usage shall be executed as defined in Section VII of this directive.

H. Military Duty

Military leave usage shall be executed as defined in Section VII of this directive.

I. Substitute Pay

Teachers do not pay substitute pay when absent from work.

J. Emergency Closings

Emergency closings will be according to Section VII of this directive. In instances where the governor declares hazardous weather leave impacting the F. E. DuBose Career Center, the Career Center will be closed accordingly.

K. School Academic Calendar

F. E. DuBose Career Center shall function under the school academic calendar for Clarendon School District Two.

VI. EMPLOYEE LEAVE TRANSFER PROGRAM

The following procedures establish the manner in which College employees, including probationary employees, occupying full-time equivalent (FTE) positions, may voluntarily donate unused sick leave, annual leave, or faculty non-work days into leave transfer pools for use by other College employees, who have been approved as leave recipients under personal or family medical-related emergency circumstances. Employees in temporary grant and time-limited positions who accrue leave at the same rate as an FTE employee may donate and receive leave if all other eligibility requirements are met.

A. Definitions, Criteria, and Verification

1. Leave Donor – an employee of the College with an approved voluntary written request for transfer of annual leave, sick leave, or faculty non-work day(s) to the appropriate leave pool account.
2. Leave Recipient – an employee of the College who has a personal or family medical related hardship emergency and is approved to receive annual leave, sick leave, or faculty non-work day(s) from the appropriate College leave pool account.
3. Personal or Family Emergency – a catastrophic or debilitating, medical situation, severely complicated disability, severe accident case, family medical emergency, or other hardship situation likely to require an employee’s absence from duty for a prolonged period of time and to result in substantial loss of income to the employee because of the unavailability of paid leave. Routine disabilities (e.g. pregnancy or knee surgery) or disabilities resulting from elective surgery do not qualify for leave transfers.
4. Other Personal Hardship Situation – a situation limited to emergencies (e. g., a personal circumstance beyond the employee’s control) that is likely to require an employee’s absence from duty for a prolonged period of time and result in a substantial loss of income to the employee because of the unavailability of paid leave.
5. Prolonged Period: A prolonged period is a minimum of thirty (30) working days. After exhaustion of other leave the employee must have medical certification verifying that the employee will be or is anticipated to be in leave without pay for at least thirty (30) workdays. However, an employee who is within thirty (30) calendar days of eligibility for long term disability insurance or disability retirement benefits and who has exhausted all accrued leave due to the prolonged medical emergency, shall be eligible for consideration when requesting approval for less than the thirty (30) workday minimum requirement for leave transfer.
6. For personal or family medical emergencies, documentation by a certified physician is required and must include the nature of the emergency and an estimate of the inclusive dates. For personal hardship emergencies, verifiable information is required. Hardship requests will be handled on a case-by-case basis.

B. Responsibility

The College shall establish three (3) separate leave transfer pool accounts: a Sick Leave Transfer Pool, an Annual Leave Transfer Pool, and a Faculty Non-Work Day Transfer Pool; and, along with any additional information the College may deem useful, develop and maintain the following records:

1. Donation Request Form. The Donation Request Form shall include:
 - a. the employee's name;
 - b. college name;
 - c. the employee's position classification and title;
 - d. the employee's hourly rate of pay;
 - e. the number of days/hours of the donor's accrued sick, annual, and/or faculty non-work day leave;
 - f. the number of days/hours of sick and/or annual or faculty non-work day leave the employee wishes to donate to the appropriate leave transfer pool;
 - g. the date of the donation; and
 - h. the leave donor's signature.

2. Recipient Request Form. The Recipient Request Form shall include:
 - a. the employee's name;
 - b. college name;
 - c. the employee's position classification and title;
 - d. type of leave requested;
 - e. the employee's hourly rate of pay;
 - f. thorough description of the nature, severity, and anticipated duration of the medical, family, or other hardship situation affecting the employee; and any additional supporting documentation for approval of the request; and
 - g. the number of days of leave requested.

3. Leave Restoration Form. The Leave Restoration Form shall include:
 - a. the name of the leave recipient;
 - b. the type of leave transferred (annual, sick, or faculty non-work days);
 - c. the amount of transferred leave used;
 - d. the date the leave recipient's personal or family emergency or employment terminates; and
 - e. the amount of transferred leave (annual, sick, or faculty non-work days) being restored to the respective leave pool.

4. Annual Records (calendar year basis)

The College shall keep separate records for each type (annual, sick, or faculty non-work days) of leave used during each calendar year. Each record shall include:

- a. Type and total hours and cost of leave donated;
- b. Type and total hours and cost of leave used by recipient(s); and
- c. Type and total hours and cost of leave restored, if any.

5. Annual Report

The College, if it experiences any leave transfer pool activity (donations and/or approved requests for leave transfer) in a calendar year, shall submit by March 1st, along with a summary of the above recorded information, a statement containing any additional information the State Human Resource Division may require that will assist in evaluating the desirability, feasibility, and cost of the leave transfer program.

6. Leave Pool Donations

a. General Information

- (1) An employee donating annual or sick leave to the leave pool must do so prior to the end of the calendar year. An employee donating faculty non-work days must do so prior to the end of the academic year.
- (2) In the event of a medical emergency, an employee may make a written request to the College that a specified number of hours of his/her accrued annual and/or sick leave or faculty non-work days be transferred to a specific leave recipient within the College, subject to the approval of the College President.
- (3) Once leave of an employee has been donated and transferred to the leave pool or leave recipient, it must not be returned to the leave donor.

b. Sick Leave Donation

An employee with more than fifteen (15) days of accrued leave in his sick leave account may voluntarily request in writing (Donation Request Form) that a specified number of hours of his leave (no more than one-half of the sick leave earned that calendar year) be transferred to the College's sick leave pool account or to a leave recipient.

c. Annual Leave/Faculty Non-Work Days Donation

An employee may voluntarily request in writing (Donation Request Form) that a specified number of hours of his accrued annual leave (no more than one-half of the annual leave earned that calendar year) or faculty non-work days (no more than one-half of the faculty non-work days earned that academic year) be transferred to the College's annual leave or faculty non-work day pool account or to a leave recipient, respectively.

7. Request For Leave

A College employee, including probationary employees, occupying FTE, temporary grant, or time-limited positions, with a personal or family medical emergency may request annual, sick, or faculty non-work day leave from the appropriate pool account only if they are otherwise eligible to accrue the corresponding type of leave under sick leave, annual leave, or faculty non-work

day policies and procedures, by completing the College's Recipient Request Form. Employees receiving other paid benefits including, but not limited to, Worker's Compensation, Long Term Disability or Disability Retirement, will generally be considered ineligible for transfers.

While there is no limit to the number of separate requests that an employee may submit, each separate request shall be limited to no more than thirty (30) work days.

8. Leave Approval/Disapproval

Upon receiving a completed Recipient Request Form, the President of the College may review all necessary information and approve recipients from within the College to participate in the leave transfer program. While the documentation and the circumstances surrounding the emergency or hardship will be primarily used as the criteria for approval, the employment record, including length of service, responsible use of leave, job performance, and other job related factors, may also be used in determining approval.

9. No Administrative or Judicial Appeal

With the approval of the College President, the selections of the College are final, and there is no administrative or judicial appeal.

10. Use of Donated Leave

Leave taken under this section may qualify for the Family Medical Leave Act (FMLA) and, if so, will run concurrently.

When the selection of a leave recipient has been approved in accordance with this Directive, the College may transfer all or any portion of the requested amount of leave of the appropriate leave pool or account to the leave account of the leave recipient.

Upon approval of a request, an employee may use leave from the appropriate pool account in the same manner and for the same purposes as if the employee had accrued the leave in the manner provided by State HRD regulations, State Board for Technical and Comprehensive Education policy and procedure and applicable state and federal laws.

Sick, annual, or faculty non-work day leave transferred under this program may be substituted retroactively for periods of leave without pay or used to liquidate any indebtedness for advanced sick leave. Whether transferred leave may be applied retroactively and for what length of time will be determined on a case-by-case basis in light of the justification presented.

Annual, sick, or faculty non-work day leave that accrues to the account of the leave recipient must be used before using any leave from a leave pool or account.

11. When Personal or Family Medical Emergency Terminates

The personal or family medical emergency affecting a leave recipient terminates when the College determines that the personal or family medical emergency no longer exists or the leave recipient's employment terminates.

The College shall monitor continuously the status of the personal or family medical emergency affecting the leave recipient and ensure that the leave recipient is not permitted to receive or use transferred annual, sick, or faculty non-work day leave from a leave pool or account after the personal or family medical emergency ceases to exist. The HR office must ensure medical documentation is received for the full length of time the employee is out.

When the personal or family medical emergency affecting a leave recipient terminates, or when employment terminates, any transferred leave remaining to the credit of the leave recipient must be restored to the appropriate pool account by completing a Leave Restoration Form. Transferred leave from a pool account shall not be transferred to another employee, included in a lump-sum payment for accrued leave, or included in the leave recipient's total service for retirement computation purposes.

VII. OTHER LEAVE TYPES

Leave taken under this section may qualify as leave under the Family and Medical Leave Act and, if so, will run concurrently.

All employees in full-time equivalent (FTE) positions or eligible temporary grant positions, shall be granted other leave with pay as outlined:

A. American Red Cross Certified Disaster Service Leave

An employee who is a certified disaster service volunteer for the American Red Cross may use up to ten (10) days of paid leave in a calendar year to participate in specialized disaster relief services with the approval of the College President. This leave is in addition to other leave to which the employee is entitled.

B. Blood Drive and Donation Leave

Employees are permitted to participate in College arranged blood drives during the employee's work hours at those times as may be determined by the College without using sick and annual leave.

Employees desiring to donate blood at a time other than a College arranged volunteer blood drive must be excused from work during the employee's regular

work hours for the purpose of making the donation without prejudice to the employee and no leave or makeup time may be required.

Any employee desiring to donate blood shall notify his approving supervisor of the scheduled date of donation and the amount of time needed for the donation as far in advance as may be practicable. The College may deny the employee's request for time to donate if the absence of the employee would create an extraordinary burden on the College, such as during "no-leave/flex periods". In considering the employee's request, the College shall take into consideration such factors as the necessity and type of blood donation, workload, etc. The College may, as a condition of approving the request, require the employee to provide documentation of the donation.

C. Bone Marrow Donors

Employees who work an average of twenty (20) hours or more per week and who seek to undergo a medical procedure to donate bone marrow may be granted paid bone marrow donor leave. The total amount of paid leave may not exceed forty (40) hours, unless a longer period of time is approved by the College President. Such leave may require verification by a health care practitioner of the purpose and length of each request. If a medical determination finds that the employee does not qualify as a bone marrow donor, the paid leave of absence granted to the employee before that determination is not forfeited.

D. Organ Donor Leave

All officers and employees of the State who wish to be an organ donor and who accrue annual, sick, or faculty non-work leave as part of their employment are entitled to leaves of absence from their respective duties without loss of pay, time, leave or efficiency rating for one or more periods not exceeding an aggregate of thirty (30) regularly scheduled workdays in any one fiscal year during which they may engage in the donation of their organs. Saturdays, Sundays, and State holidays may not be included in the thirty (30)-day aggregate unless the particular Saturday, Sunday, or holiday to be included is a regularly scheduled workday for the officer or employee involved. The officer or employee must show documentation from the attending physician of the proposed organ donation before leave is approved that confirms that the employee is the donor.

E. Administrative Leave

An employee who is physically attacked while in the performance of official duties and suffers bodily harm as a result of the attack must be placed on administrative leave with pay by the College rather than his/her earned sick leave. The period of administrative leave per incident may not exceed one hundred and eighty (180) calendar days. Denial of the use of administrative leave will be grounds for review by the Department of Administration's Division of State Human Resources (DSHR) upon request of the employee. Administrative review by the DSHR will be final.

F. Court Leave

1. Jury Duty (With Pay)

- a. Any employee in a full-time equivalent (FTE) position or eligible temporary grant position who is summoned as a member of a jury panel shall be granted court leave with pay and any jury fees and travel payment shall be retained by the employee. A copy of the summons is required to be submitted to the Human Resources office.
- b. Employees in an FTE or temporary grant position who are summoned to jury duty will be expected to work on any given day only the number of hours that, when added to the hours required to be at court, equal the normal workday for the employee. The employee must be on authorized leave for any time the employee is excused from jury duty and does not return to work.

2. In no case shall court leave with pay be granted for court attendance when an employee in an FTE or eligible temporary grant position is engaged in personal litigation; however, an employee may be granted annual leave, leave without pay, or other paid leave as applicable when annual leave is not available. In such cases the College must approve the request. Exception: An employee who is victim of or witness to a crime and must attend court in relation to the case or in order to obtain an Order of Protection or restraining order, shall receive court leave with pay.

3. Subpoenaed As A Witness (With Pay)

An employee in an FTE or eligible temporary grant position, who is subpoenaed as a witness and who will not receive any personal gain from the outcome of the litigation shall be entitled to court leave with pay for those hours required for the subpoena and may retain any witness fee and travel expenses. A copy of the subpoena is required to be submitted to the Human Resources office.

4. Exceptions

- a. When an employee is subpoenaed to represent an agency as a witness or defendant, his/her appearance is considered a part of the employee's job assignment. The employee shall be reimbursed according to the annual Appropriations Act and DSHR regulations for any meals, lodging, and travel expenses that may be incurred while serving in this capacity.
- b. When an employee attends in an official capacity, a mediation or mediation-arbitration conference, his attendance is considered a part of the employee's job assignment.

- c. When an employee appears as a witness or in any other official capacity in a hearing before the State Employee Grievance Committee, his appearance is considered a part of the employee's job assignment.

G. Death in Immediate Family

1. Any employee in a full-time equivalent (FTE) or eligible temporary grant position, upon request, shall be granted up to three (3) consecutive workdays of leave with pay on the death of any member of the employee's immediate family. Immediate family is defined as the spouse, great-grandparents, grandparents, parents, legal guardians, brothers, spouse of brothers, sisters, spouse of sisters, children, and spouse of children, grandchildren, and great-grandchildren of either the employee or the spouse.
2. Each employee requesting funeral leave due to death in the immediate family shall submit a statement to the approving supervisor stating the name of the deceased and relationship to the deceased.
3. When a death in the employee's immediate family occurs while the employee is on annual or sick leave, leave for death in the immediate family will replace the annual or sick leave taken, for up to three (3) consecutive days. When a death in the employee's immediate family occurs while the employee is on an official holiday, the employee will be entitled to the holiday and to the three (3) consecutive days of leave with pay.

H. Family and Medical Leave Act (FMLA)

1. Eligibility and Reasons for FMLA Leave
 - a. FMLA leave shall be granted to any employee who has worked for the State at least 12 months, and who has worked at least 1250 hours (defined as Fair Labor Standard Act (FLSA) compensable hours of work) during the 12-month period prior to the request for FMLA leave, including "on-call" hours. The required 12-month period need not be consecutive.

The College can go back 7 years prior to the date of the need for leave to determine if the employee worked a total of 12 months with state government. The College has the ability to go beyond 7 years if an employee left state employment due to National Guard or Reserve Military obligations or a written agreement reflecting an employer's intention to rehire after a break.

- (1) In order to determine if an exempt employee meets the 1,250 hours of service, work records may be kept.
- (2) State Government of South Carolina is considered a single employer for the purpose of determining FMLA leave.

b. An eligible employee shall be granted up to a total of 12 workweeks of FMLA leave in each calendar year for any of the following reasons:

- (1) For the birth of a son or daughter and to care for that child;
- (2) For placement of a son or daughter for adoption or foster care with the employee;
- (3) For the care of the employee's spouse, son, daughter, or parent with a serious health condition;
- (4) For a serious health condition that makes the employee unable to perform the functions of the employee's job;

Serious health condition includes:

a) an illness, injury, impairment, or physical or mental condition that involves either inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care; or

b) continuing treatment by a healthcare provider. This includes:

1. a period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition;
2. any period of incapacity related to pregnancy or for prenatal care;
3. any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits to healthcare providers (at least twice a year), and may involve occasional episodes of incapacity. A visit to a healthcare provider is not necessary for each absence; or
4. a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a healthcare provider is required, rather than treatment; or
5. any absence to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) days if not treated.

(5) For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or called to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

Qualified exigencies may include:

- (a) short notice deployment;
- (b) military events and related activities;
- (c) childcare and school activities;
- (d) financial and legal arrangements;
- (e) counseling;
- (f) rest and recuperation;
- (g) post-deployment activities; and
- (h) additional activities not encompassed in other categories but agreed by the College and the employee.

- (6) To care for a spouse, child, parent or next of kin who is a current service member and is injured or becomes seriously ill while on active duty.

Under the military caregiver leave provisions, an eligible employee who is the spouse, son, daughter, parent or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, may be entitled to up to a total of 26 workweeks during a single 12-month period to care for the service member who has a serious injury or illness in the line of duty on active duty that may render the service member medically unfit to perform his or her duties; for which the service member is undergoing medical treatment; recuperation, or therapy, or is in outpatient status; or is on the temporary disability retired list.

Generally, the 12-month period, under the South Carolina State Government is a calendar year, with the exception of leave for the birth of a child and to care for the newborn child, and for the placement of a child for adoption or foster care. In these exceptions, the 12-month period expires after the date of the birth or placement.

c. Notification and Designation of FMLA leave

The College will notify the employee of his or her eligibility to take leave and will inform the employee of his or her rights and responsibilities under FMLA. It is the responsibility of the Human Resources Department to ensure the declaration of leave as FMLA leave based on information provided by the employee or the employee's spokesperson, if the employee is incapacitated (Leave may be conditionally declared as FMLA leave subject to verification by the employee's health care provider). If the Human Resources Department lacks sufficient information about the reason for an employee's use of paid leave, the Human Resources Director should inquire further of the employee or the spokesperson to determine whether the paid leave is potentially FMLA qualifying.

- (1) When leave is designated as FMLA leave the employee must be notified. No leave may be designated as FMLA leave after the leave

has ended however, if the employee was absent for an FMLA reason and the employer did not learn the reason for the absence until the employee's return (e.g. where the employee was absent for only a brief period), the employer may, upon the employee's return to work, promptly (within two (2) business days of the employee's return) designate the leave retroactively with appropriate notice to the employee.

- (2) An eligible employee's FMLA leave allowance shall be charged for the actual time an employee must be away from the job.

2. Scheduling FMLA Leave

An eligible employee requesting FMLA leave must give thirty (30) days advance notice to the supervisor and Human Resources Department of the need to take FMLA leave when the need for leave is foreseeable. When the need for leave is not foreseeable, such notice must be given as soon as practicable. The use of FMLA leave shall be subject to verification. The College shall require that an employee's request for FMLA leave to care for the employee's seriously ill spouse, son, daughter, or parent, or due to the employee's own serious health condition, be supported by a certification issued by the health care provider. Certification from a health care provider must be supplied within fifteen (15) calendar days of the request for verification.

Periodic recertification of a serious health condition may be required. The Human Resource Department may require certification of qualifying exigency for military family leave or for serious injury and/or illness of the covered service member. The College may request the employee to provide reasonable documentation or statement of family relationship. The documents may include but not be limited to: child's birth certificate, or a court document or statement from the employee. Refusal by an employee to provide a fully completed medical certification or other required documentation may lead to denial of his or her FMLA leave request.

3. Use of FMLA Leave

An employee request is not necessary for the College to determine that leave time qualifies as FMLA leave. Such a determination may be made based on information provided to the employer and verified by the health care provider.

- a. When the College designates leave as FMLA leave, it shall notify the employee.
- b. An employee's FMLA leave allowance shall be charged for the actual time away from the job in quarter hour increments.

- c. The College shall declare any leave taken that qualifies as FMLA leave. The FMLA leave shall run concurrently with any other leave, and the leave shall be charged against all applicable leave types.

4. Use of Paid and Unpaid Leave

Generally, FMLA leave is unpaid; however,

- a. An eligible employee will be required to substitute his/her accrued sick leave for unpaid FMLA leave when the FMLA leave request qualifies for sick leave usage, or
- b. An eligible employee may elect to substitute accrued annual leave for unpaid FMLA leave.

5. Intermittent FMLA Leave and Reduced Schedule

If medically necessary, eligible employees may take FMLA leave on an intermittent basis or on a reduced schedule for their own serious health condition, the serious health condition of a parent, spouse, daughter, son or for military caregiver leave. Leave due to the birth or adoption of a child may be taken intermittently and must be completed within the 12-month period beginning on the date of the birth or placement of the child and is subject to College approval.

6. Spouses Working for the State

Spouses employed by the State are limited in the amount of FMLA leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 weeks (or 26 weeks if leave to care for a covered service member with a serious injury or illness is also used). Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.

7. Transfer of FMLA Leave

For an eligible employee who transfers from one State agency to another, the transferring agency is responsible for transferring the employee's FMLA leave records to the receiving agency in that calendar year.

8. Maintenance of Insurance Benefits

The College will maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. The employee is responsible for the employee portion of the insurance premiums.

Should the employee take leave without pay during the FMLA leave, the employee must make arrangements with the College to pay for his/her share of the insurance premiums while on unpaid FMLA leave.

The College is obligated to maintain group insurance benefits under FMLA leave. However, when the employee makes notification of his/her intent not to return to work, the employee is responsible for the full insurance premium.

9. Reinstatement from FMLA Leave

On return from FMLA leave, an employee who can still safely perform the position's essential functions is entitled to be returned to the same position the employee held when the FMLA leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. That position must involve the same or substantially similar duties and responsibilities, which must entail equivalent skill, effort, responsibility, and authority.

As a condition of restoring an employee whose FMLA leave was caused by the employee's own serious health conditions that made the employee unable to perform the employee's job, the employee must have his physician certify to the College what date the employee is released to return to work, and what, if any, restrictions apply. Failure to provide appropriate documentation in a timely manner will prevent the employee from returning to work.

I. Hazardous Weather and Emergency Leave

1. Upon issuing a Declaration of Emergency, the Governor has the authority to excuse all employees of State government from reporting to work during extreme weather or other emergency conditions. "Emergency conditions" means circumstances that would expose employees to harmful or unsafe conditions as determined by the Governor's office. Unless such a Declaration of Emergency has been issued, all College employees are expected to report to work.

Exception: Nothing in this section precludes the closure or necessary immediate evacuation of the College or a portion of the College by the President in the interest of personal safety.

2. The Declaration of Emergency may be applicable to all employees in the entire State, or only to those employees who live or work in one geographical region of the State or combination of geographical regions.
3. It may be determined by the President that essential personnel (security, maintenance, etc.) are needed to maintain the facilities during extreme weather or emergency situations. The President and institutional officers shall identify and notify essential employees by position classification, or internal title. All other employees will not be expected to report to work.

4. Notification of Declaration of Emergency (Hazardous Weather or Declared Emergency)

When the Governor makes a Declaration of Emergency, all offices are to be closed and employees, with exception of essential personnel, are excused from reporting to work.

a. Between the hours of 8:00 a.m. and 5:00 p.m.

(1) The Declaration of Emergency shall be communicated from the Governor's Office to the South Carolina Emergency Management Division. The South Carolina Emergency Management Division will communicate the Declaration of Emergency (by county) to each agency through their website.

(2) The System President or his designee will communicate the Declaration of Emergency to each College affected by the Governor's declaration.

b. Between the hours of 5:00 p.m. and 8:00 a.m.

All Declarations of Emergency will be transmitted by the Governor's Office to the South Carolina Emergency Management Division. Employees should assume individual responsibility for monitoring the media and/or accessing the State Employee's Weather Alert link located on the State Human Resource Division's website to determine if a declaration has been made.

c. Local notification of College closings

The College President is authorized to evacuate/close a facility in the interest of personal safety. The College President or designee will communicate the decision to close the College (or a particular campus) internally by email and other electronic means. The Public Information Officer will put a message on the telephone system, website, and social media regarding delays and closures. In addition, the Public Information Officer will contact local and regional radio and television stations to communicate the decision externally.

5. Compensation During Declaration of Emergency

The Governor may provide State employees with up to five (5) days of leave with pay for absences from work due to a state of emergency for hazardous weather. Agencies will receive official notification of the Governor's decision for leave with pay for absences from work due to the state of emergency for hazardous weather. In the absence of such a declaration from the Governor, employees with time lost due to hazardous weather conditions or other College closure shall use accrued annual, faculty non-work days, or compensatory (non-exempt employees) leave to make up time lost, take leave without pay, or be

allowed to make up time lost from work within ninety (90) days at a time(s) to be scheduled by the College.

J. Military Leave

Refer to section H. above regarding qualifying exigencies; as well as the US Dept. of Labor's website – <http://www.dol.gov/dol/topic/benefits-leave/fmla.htm> and Part 1002--Regulations Under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

1. Short Term Military Training

All College employees in a full-time equivalent (FTE) position or eligible temporary grant position who are either enlisted or commissioned members of the South Carolina National Guard, the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, or the United States Coast Guard Reserve are entitled to leaves of absence from their respective duties without loss of pay, time, or efficiency rating, for one or more periods not exceeding an aggregate of fifteen (15) regularly scheduled average work days in any one year during which they may be engaged in training or any other duties ordered by the Governor, the Department of Defense, the Department of the Army, the Department of the Air Force, the Department of the Navy, the Department of the Treasury, or any other department or agency of the government of the United States having authority to issue lawful orders requiring military service. Saturdays, Sundays, and state holidays may not be included in the 15-day aggregate unless the particular Saturday, Sunday, or holiday to be included is a regularly scheduled workday for the employee involved. In the event any such person is called upon to serve during a declared emergency, he is entitled to such leave of absence for a period not exceeding thirty (30) additional days. Any one year means either a calendar year or, in the case of members required to perform active duty for training or other duties within or on a fiscal year basis, the fiscal year of the National Guard or reserve component issuing the orders.

A state employee in an FTE or eligible temporary grant/time-limited position who serves on active duty in a combat zone and who has exhausted all available leave for military purposes is entitled to receive up to thirty (30) additional work days of military leave in any one year. Refer to the General Appropriations Bill for any additional options that may be provided in any given fiscal year.

2. Long Term Military Leave of Absence

Any College employee who, on or after June 25, 1950, has been, or shall be commissioned, enlisted, or selected for service in the Armed Forces of the United States (excluding short-term training) shall, so long as the requirements and regulations of the Armed Forces shall prevent his return to his civil employment for a period of ninety (90) days thereafter, but in no event for a

period longer than five (5) years from the date of entry into the Armed Forces of the United States, be entitled to leave of absence from his/her duties as an employee of the College without loss of seniority or efficiency, register ratings. The word “employee” as used in this paragraph shall not be construed to mean an officer or official elected or appointed to a term pursuant to a statute or the Constitution of South Carolina.

3. Return to Work

Under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), an employee must provide timely notice of their intent to return to work by either reporting to work or submitting a timely application for re-employment. The period after the end of military service in which the employee must notify their immediate supervisor is based on the amount of time spent on military duty. For service of less than thirty-one (31) days, or for a period of any length for the purpose of a fitness examination, the employee must return at the beginning of the next regularly scheduled work period on the first full day after release from military service, taking into account safe travel home plus an eight (8) -hour rest period. For military service of more than thirty (30) days, but less than one hundred eighty-one (181) days, the employee must provide notice of his or her intent to return within fourteen (14) days of release from service. For service of more than one hundred eighty (180) days, notice must be submitted within ninety (90) days of release from service. Once an employee notifies his or her immediate supervisor of their intent to return to work, the actual date for reporting to work is negotiable.

K. Voting Leave

Any employee in a full-time equivalent (FTE) position or eligible temporary grant position who lives at such distance from an assigned work location as to preclude voting outside of working hours may be authorized up to a maximum of two (2) hours of leave with pay for this purpose. An employee may not be granted voting leave to work at the polls during elections.

VIII. BREAK IN SERVICE

A break in service occurs when an employee occupying an FTE position experiences an interruption of continuous State service.

An employee experiences a break in service when the employee:

- A. Separates from State service and is paid for unused annual leave.

Exception: When an employee moves from a position in which the employee earns both annual and sick leave to a position in which the employee earns faculty non-workdays or only earns sick leave, all earned sick leave shall be transferred in

accordance with the Division of State Human Resources (DSHR) Regulations 19-710.05 A. All annual leave will be paid but will not constitute a break in service.

- B. Moves from one state agency/college to another and is not employed by the receiving agency within fifteen (15) calendar days following the last day worked (or approved day of leave) at the transferring agency.

Exception: Under extenuating circumstances, the College President may approve an extension from fifteen (15) calendar days up to but not in excess of six (6) months for an employee in an FTE position to be employed in another FTE position within State government without having a break in service. The approval must be made prior to the employee receiving a lump sum payment for unused annual leave and within fifteen (15) days of the last day the employee is in pay status.

- C. Remains on leave for a period of more than one (1) calendar year. Exceptions:
 - a. The employee is on a military tour of duty with reemployment rights protected under federal or State law.
 - b. The employee is participating in the Government Employee Interchange Program as provided in the DSHR Regulations 19-714.
 - c. The employee is academic personnel at an institution of higher learning on sabbatical leave.
- D. Separates from State service as a result of a reduction in force and is not recalled to the original position or reinstated with State government within twelve (12) months of the effective date of the separation;
- E. Involuntarily separates from State service and the College's decision is upheld by the State Employee Grievance Committee or by the courts; or
- F. Moves from an FTE position to a temporary, temporary grant, or time-limited position.
- G. When a faculty employee moves from a position in which the employee earns faculty non-work days to a position in which the employee earns both annual and sick leave, a lump sum payment will be made for banked and unused non-work days in accordance with Section IV of this Directive (Faculty Non-Work Days) but will not constitute a break in service.

IX. RECORDS

The College will maintain a leave record for each employee covered by this policy. Failure to report leave taken is considered a falsification of work/time records and the employee could be construed as being paid for hours not worked in violation of S. C.

Code Ann. § 8-11-30 and may be subject to disciplinary action up to and including termination. The leave record will, for each type of leave:

- A. Indicate the leave accrual rates for each employee;
- B. Reflect leave earnings and charges in terms of hours;
- C. Indicate the number of leave hours earned during the current calendar year;
- D. Indicate the number of leave hours used during the current calendar year;
- E. Indicate the number of leave hours carried forward from the previous calendar year, but not exceeding the maximum accrual authorized;
- F. Indicate the number of hours in the employee's official workweek and workday;
- G. Indicate the number of annual leave hours paid out upon separation;
- H. Include any other information the College may require; and
- I. Be reviewed by and reported to the employee no less than once per calendar year and be supported by the individual leave requests submitted by the employee and approved by the supervisor.