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Procedure for: All Campuses
Authorized by: Judy Owens
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I. Purpose of Policy

This document sets forth the University of South Carolina Sick Leave Policy for all employees except temporary and student employees, pursuant to regulations of the South Carolina Office of Human Resources. Leave taken pursuant to this policy may qualify as FMLA leave and, if so, will run concurrently.

II. Policy Statements

A. Responsibility for Administration

1. Subject to State regulations, academic and administrative department heads are

responsible for sick leave authorization and verification and for ensuring that leave and attendance are recorded accurately.

2. The Division of Human Resources is responsible for leave computation, leave adjustment, and leave policy interpretation.
3. Sick leave regulations will be applied in an equitable manner to all employees. In instances of suspected sick leave abuse or violation of policy, department heads or authorized supervisors may ask the employee to provide medical verification of illness or treatment by the treating physician; and, upon refusal, may invoke appropriate disciplinary action in accordance with the University policy on Disciplinary Action.
4. Additional permanent employees may not be hired to replace employees on sick leave or leave without pay due to illness, disability or maternity. Temporary or substitute employees may be hired for limited periods of time to provide coverage during the absence of permanent employees on extended sick or disability leave.
5. The University of South Carolina maintains leave records for each employee covered under the Sick Leave policy. Leave records are subject to audit.
6. The leave balance of each covered employee is shown on the employee's pay stub.

B. Sick Leave Eligibility and Earnings

1. Eligibility

Sick leave will be accrued by and granted to:

- a. Permanent and probationary full-time employees
- b. Permanent and probationary part-time employees who are scheduled to work at least one-half the work week on a 12-month basis or who are scheduled to work the equivalent of one-half the work week on a 12-month basis during the full academic year of nine months or more.

2. Earnings

a. Full-Time Employees

All permanent full-time employees will earn sick leave beginning with the date of employment at the rate of one and one-fourth working days per month of service or 15 days per year.

b. Part-Time Employees

All permanent part-time employees will earn sick leave beginning with the date of employment on a pro-rata basis that produces the equivalent of that earned by full-time employees.

3. Additional Sick Leave

a. In the event of an illness that extends beyond available sick and annual leave, the Vice President for Human Resources or the Vice President's designee may, upon the written recommendation of the department head, advance up to 15 days of sick leave.

b. Sick leave may be advanced only upon reasonable assurance that the employee is expected to return to active duty within a reasonable time.

c. Upon return to active duty, all sick leave earned by the employee will be applied toward repayment of the leave advanced until the total amount of advanced sick leave has been repaid.

e. If an employee separates from employment before satisfying the sick leave deficit, and later returns to State employment, the leave deficit will need to be satisfied upon re-employment.

d. If no competent medical prognosis is available and/or an approximate date of return to active duty cannot be determined, the employee will be placed in leave without pay status.

C. Maximum Accrual and Carry-Over

1. Maximum Accruals

Permanent full-time and permanent part-time employees may accrue sick leave up to a maximum of 195 days in a calendar year and may carry over from one calendar year to the next any unused sick leave to a total maximum carryover of 180 days.

2. Higher Maximum Carryover

Any employee who prior to January 1, 1969, accrued and carried over unused sick leave in excess of 180 days, pursuant to the then existing policy of any State agency, will not lose the excess leave but will retain that amount of leave which will then become the maximum amount the employee may carry over into future years. If the employee subsequently reduces the amount of sick leave carried over

to 180 days, that amount will become the maximum amount of sick leave the employee may thereafter carry over.

D. Crediting and Charging Sick Leave

1. Crediting Sick Leave

- a. Employees who are in a pay status one-half or more of the working days of the month will be credited with leave earnings for the full month.
- b. Employees in a pay status for less than one-half of the working days of the month will not accrue sick leave for that month.
- c. Employees will earn sick leave while on annual leave, sick leave or other authorized leave with pay.

2. Charging Sick Leave

- a. An employee will be charged sick leave for the actual time away from the job; however, leave will not be charged in units of less than one-quarter hour.
- b. When a holiday is observed by the University while an employee is on sick leave, that day will not be charged as a day of sick leave.

3. Leave Credit Earned While in Leave With Pay or Leave Without Pay

- a. Leave With Pay Status - Sick leave will accrue to the credit of an employee who is in leave with pay status such as annual, sick and military leave with pay provided the employee is in a pay status at least half the working days of the month.
- b. Leave Without Pay Status - Employees will not earn sick leave while on leave without pay.

E. Use and Verification of Sick Leave

1. Use of Sick Leave

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

- a. Personal illness or injury incapacitating the employee from performing the

full duties of the position (see Section H. below for extended disability leave)

- b. Exposure to or infection with a contagious disease such that presence on duty could endanger the health of fellow employees and/or students when certified by a licensed physician
- c. Appointment for medical or dental examination or treatment when the appointment cannot reasonably be scheduled during non-work hours (To the degree possible, examination appointments must be approved in advance by the authorized supervisor.)
- d. Treatment of alcoholism or alcohol abuse by the employee participating in public and/or private treatment and rehabilitation programs licensed by the State of South Carolina or the state in which the treatment or rehabilitation program is located
- e. Sickness during pregnancy or other temporary disabilities. To the extent permissible, the date on which sick leave for disability begins will be at the request of the employee based on the determination and advice of a licensed physician. That date may not be prescribed unilaterally 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 and/or safety of the employee.
- f. Employees may use up to 10 days of sick leave during a calendar year to care for their immediate family. For the purpose of this policy only, immediate family is defined in the Sick Leave Act as spouse, and children, mother, father, brother, sister, grandparent, legal guardian, and grandchildren of the employee or the employee's spouse. In such cases, sick leave may be granted for the same reasons that employees are granted use of sick leave (see paragraphs a.- e. above).
- g. Employees may use up to six weeks of accrued sick leave for the purpose of caring for an adoptive child after placement. The leave will be authorized only if the employee is the person who is primarily responsible for the care and nurture of the child.

2. Verification

- a. Sick leave is a privilege granted by the University to help employees

through periods of illness and is subject to verification.

- b. When there is reason to believe that sick leave is being abused, the department head or authorized supervisor may, before approving the use of sick leave, require the certification of a licensed physician or other acceptable documentation verifying the disability and giving the inclusive dates. The department head or authorized supervisor may contact the employee's physician for additional information or for clarification of the physician's report. The department head or authorized supervisor may also require a second medical opinion; however, the second medical opinion will be at the expense of the department.

F. Disposition of Sick Leave

1. Transfer from one State Agency to Another

Employees who transfer without a break-in-service from one State agency or school district to another will transfer their accumulated sick leave adjusted to the scheduled work week of the gaining agency. In the case of an employee transferring from an agency or school district under whose system the employee had, prior to January 1, 1969, a maximum accumulation in excess of that currently authorized by the gaining agency, the total will be transferred.

2. Termination of Employment or Break-in-Service

An employee who terminates employment or experiences a break-in-service as described in the Separation policy will forfeit all sick leave. The sick leave may not be reinstated and the employee may not be compensated for the forfeited sick leave.

3. Sick leave deficits incurred during previous employment with another State agency must be satisfied upon re-employment.

G. Extended Disability Leave

1. An employee whose absence because of illness, injury or maternity will exceed 10 work days may apply for disability leave with pay.
2. If the period of disability certified by the physician exceeds the amount of accrued sick leave, the employee may apply for annual leave or authorized leave without pay.

3. The request for authorized leave without pay may not be denied for illness or disability certified by a licensed physician for a permanent employee. Authorized leave without pay will be granted with reinstatement to the same position or comparable position for which the employee is qualified.
4. The amount of authorized leave may not exceed the time certified by the physician and it may not exceed 180 calendar days.
5. If the employee does not return to work at the end of the maximum time stated above, reinstatement will be forfeited and the employee will be separated from University service.
6. In extenuating circumstances and at the discretion of the Vice President for Human Resources or the Vice President's designee, the period of authorized leave may be extended up to a combined total of 365 calendar days. State Budget and Control Board approval is required if disability leave is to be extended beyond 365 days.
7. The employee has the option of using or retaining accrued annual leave prior to going on leave without pay. The employee must use all sick leave before going on leave without pay unless the Vice President for Human Resources or the Vice President's designee grants an exception at the employee's request and for good cause shown.
8. Work related disabilities are also subject to the above policy. See the Workers' Compensation policy.

III. Procedure

A. Notification of Illness

1. When an employee is incapacitated for duty because of illness, the employee must notify the immediate supervisor at the start of the working day and no later than two hours after the beginning of the working day on the first day of absence.
2. The employee must make the call to the supervisor, except in cases of emergency. If an emergency exists, arrangements should be made to have someone notify the supervisor on behalf of the employee.
3. Unless some indication of length of absence can be given the first day, the employee is expected to notify the supervisor within 30 minutes of the beginning

of each additional day of absence.

4. Failure to give notice within the proper time limit may result in the absence being charged to unauthorized leave without pay.

B. Application for Disability Leave

1. Application for disability leave due to illness, injury or maternity which exceeds 10 working days will be made on the Application for Disability Leave With or Without Pay (form P-75).
2. The application must be completed by the employee and the employee's physician and sent through the employee's department to the Division of Human Resources, Benefits Office.
3. Sick leave will be granted only for the inclusive dates of disability certified by the physician on the Application for Disability Leave With or Without Pay (form P-75); however, the physician may amend the dates by providing a supplemental statement.
4. Prior to approval, the University will require a physician's certification or other acceptable documentation describing the disability and giving the projected inclusive dates.
5. The University may require additional documentation from the physician or may secure additional medical opinions from other physicians.

C. Application for Adoptive Leave

1. Application for adoptive leave must be made on the Application for Leave (Form P-83)
2. The application must be completed by the employee and the employee's department and sent through the employee's department to the Division of Human Resources, Benefits Office.
3. The application must be accompanied by a copy of the adoption papers or a letter from an attorney or adoption agency certifying the adoption.

D. Record Corrections

Requests by employees for corrections to their leave records must be made in writing

within one month of issue of the VIP online paycheck in question.

IV. Reason for Revisions

- Revised and updated the disclaimer statement
- Increased the number of sick leave days that can be advanced from five to 15
- Increased the number of family sick days from eight to 10
- Updated the definition of family member for family sick leave purposes.