

ADMINISTRATIVE DIVISION HR Division of Human Resources		POLICY NUMBER HR 1.12
POLICY TITLE Leave Without Pay		
SCOPE OF POLICY USC System		DATE OF REVISION November 16, 2018
RESPONSIBLE OFFICER Vice President for Human Resources		ADMINISTRATIVE OFFICE Division of Human Resources

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE FACULTY, STAFF, OR ADMINISTRATIVE EMPLOYEE AND THE UNIVERSITY OF SOUTH CAROLINA. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE UNIVERSITY OF SOUTH CAROLINA RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT. THE UNIVERSITY OF SOUTH CAROLINA DIVISION OF HUMAN RESOURCES HAS THE AUTHORITY TO INTERPRET THE UNIVERSITY’S HUMAN RESOURCES POLICIES.

PURPOSE

The Leave Without Pay policy communicates about leave without pay for affected employees.

DEFINITIONS

Family and Medical Leave Act (FMLA): A federal law requiring employers to provide eligible employees with job-protected and unpaid leave for qualified medical and family reasons.

Long Term Military Leave: Leave granted to employees who have been, or shall be, commissioned, enlisted or selected for service in the Armed Forces of the United States and the requirements and regulations of the Armed Forces shall prevent their return to civil employment for a period of no less than 90 days but not more than 5 years.

Short Term Military Leave without Pay: Leave granted to employees who as members of the National Guard or other reserve component of the United States Armed Services are engaged in training or duty for a period of time in excess of fifteen working days and who have exhausted other available types of leave.

Suspension: An enforced leave of absence without pay pending investigation of charges against an employee or for disciplinary purposes.

Unauthorized Leave Without Pay: An absence which has not been previously approved by the unit head or an authorized supervisor.

Uniformed Services Employment and Reemployment Rights Act (USERRA): A federal law that protects military service members and veterans from employment discrimination on the basis of their service, and allows them to regain their civilian jobs following a period of uniformed service.

POLICY STATEMENT

This document describes the University of South Carolina Leave Without Pay Policy, the different types of leave without pay, and provides other relevant information, pursuant to the regulations of the South Carolina Division of State Human Resources.

A. Eligibility

Employees of the University of South Carolina except student employees are allowed certain types of leave without pay. Leave taken pursuant to this policy may qualify as FMLA leave and, if so, will run concurrently. The Leave Without Pay policy will be applied in an equitable manner to all employees.

B. Types of Authorized Leave Without Pay

1. Family and Medical Leave. Unpaid family and medical leave is available to eligible employees who have been approved for a leave of absence in accordance with the FMLA but have exhausted available sick leave and annual leave.
2. Personal. Employees who have exhausted their annual leave or who will exceed the 30-day limit of annual leave may request additional unpaid leave for personal reasons.
3. Short Term Military Leave. Leave for employees who have been on military training in excess of 15 workdays in a calendar or fiscal year and have used all available annual leave.
4. Long Term Military Leave. Leave for employees whose active military service precludes civilian employment for a period of at least 90 days but not more than five years and are eligible for reemployment protection under the USERRA.
5. Suspension. Suspension is an enforced leave of absence without pay that has been authorized by Employee Relations in the Division of Human Resources.

C. Unauthorized Leave Without Pay

An absence which has not been previously approved by the unit head or an authorized supervisor is considered unauthorized leave without pay. Employees being charged with unauthorized leave without pay must be notified in writing and will be subject to appropriate disciplinary action. An employee on unauthorized leave without pay for three consecutive workdays will be considered

to have voluntarily resigned and abandoned the position. See university policy [HR 1.39 Disciplinary Action and Termination for Cause](#).

PROCEDURES

A. Authorized Leave.

1. With the exceptions of military leave and suspension an employee must obtain approval from their unit head or an authorized supervisor prior to going on leave without pay in order for leave to be considered authorized. Failure to do so may result in the absence being charged as unauthorized leave, which may lead to appropriate disciplinary action, up to and including termination.
2. Leave without pay will not be authorized until all available annual and sick leave has been used except in the case of suspensions and as provided in university policies [HR 1.03 Annual Leave](#) and [HR 1.06 Sick Leave](#).
3. Additional employees in FTE positions will not be hired to replace employees on authorized leave without pay. Exceptions may be made for long term military leave pursuant to the terms of the Uniformed Services Employment and Reemployment Rights Act (USERRA).

B. Family and Medical Leave.

Leave without pay for FMLA reasons for three days or more must be reported on the [Employee Medical Certification form \(P-75\)](#) or the Family FMLA Certification form and forwarded to the Division of Human Resources' Benefits Office for review and to approve/deny the leave requested. Family and Medical leave without pay will be approved under the terms of the FMLA.

C. Personal Leave.

1. Leave without pay for personal reasons for up to 10 consecutive calendar days may be authorized by the unit head.
2. Leave without pay for personal reasons in excess of 10 consecutive calendar days may be requested by the unit head for review and approval by the Vice President for Human Resources or their designee.

D. Military Leave.

1. Short Term Military Leave. Leave for military training in excess of 15 workdays in a calendar or fiscal year will be charged against accrued annual leave. If annual leave is not available, the absence will be charged to leave without pay. Additional information regarding paid leave for military training is provided in university policy [HR 1.09 Other Leave with Pay](#).

2. Long Term Military Leave. Employees going on long term military leave must notify the Division of Human Resource’s Benefits Office in order to maintain their rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA). Long term military leave will be approved upon notification under the terms of the Uniformed Services Employment and Reemployment Rights Act (USERRA).

E. Suspension.

For classified and unclassified non-academic employees suspension must follow the procedures stated in university policy [HR 1.39 Disciplinary Action and Termination for Cause](#).

Related University, State and Federal Policies

[Family and Medical Leave Act \(FMLA\)](#)

[Uniformed Services Employment and Reemployment Rights Act \(USERRA\)](#)

[State Human Resources Regulations 19-710, 19-711, 19-712](#)

[HR 1.03 Annual Leave](#)

[HR 1.06 Sick Leave](#)

[HR 1.07 Family and Medical Leave](#)

[HR 1.09 Other Leave with Pay](#)

[HR 1.39 Disciplinary Action and Termination for Cause](#)

[HR 1.57 Separations](#)

HISTORY OF REVISIONS

DATE OF REVISION	REASON FOR REVISION
November 16, 2018	Updated to new format Clarified military leave without pay Added suspension to types of leave without pay Updated procedures