

<b>ADMINISTRATIVE DIVISION</b> HR Division of Human Resources		<b>POLICY NUMBER</b> HR 1.06
<b>POLICY TITLE</b> Sick Leave		
<b>SCOPE OF POLICY</b> All Campuses		<b>DATE OF REVISION</b> February 7, 2018
<b>RESPONSIBLE OFFICER</b> Vice President for Human Resources		<b>ADMINISTRATIVE OFFICE</b> Division of Human Resources

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**PURPOSE**

This policy sets forth guidelines for sick leave for eligible employees of the university.

**DEFINITIONS AND ACRONYMS**

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

Break in Service - an interruption of continuous State service. An employee experiences a break in State service when the employee either (1) separates from State service; (2) moves from one State agency to another and is not employed by the receiving agency within 15 calendar days following the last day worked (or approved day of leave at the transferring agency); (3) remains on leave for a period of more than 12 months; (4) 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 12 months of the effective date of the separation; (5) involuntarily separates from State service and the agency's decision is upheld by the State Employee Grievance Committee or by the courts; or (6) moves from a full-time equivalent (FTE) position to a temporary, temporary grant, or time-limited position.

**POLICY STATEMENT**

This document sets forth the University of South Carolina's Sick Leave Policy for all employees eligible for sick leave, pursuant to regulations of the South Carolina Division of Human

Resources. A portion of this policy addresses guidelines which apply to all employees eligible for Family Medical Leave Act (FMLA). Leave taken pursuant to this policy may qualify as Family Medical Leave Act (FMLA) leave and, if so, will run concurrently for those employees eligible for paid leave. University Faculty should refer to the appropriate Faculty Manual to determine any additional details that are relevant.

## **PROCEDURES**

### **A. Responsibility for Administration**

1. Sick leave is granted to help employees through periods of illness. Time missed from work resulting in sick leave is subject to verification. Academic and administrative department heads are responsible for sick leave authorization, verification, and for ensuring that leave and attendance are recorded accurately. Department Human Resource (HR) Contacts and campus HR officers are responsible for assisting to facilitate sick leave policies and ensure guidelines are followed.
2. Academic and administrative department heads will, prior to approving the use of sick leave, require verification of time missed from work if sick leave is used. This verification consists of a health care provider's statement of the projected and/or actual time that is subject to being missed from work. It does not include medical diagnosis or details related to the medical condition, which is confirmed, if necessary, by the Division of Human Resources in applicable circumstances.
3. Supervisors should notify their Department HR Contacts of any absence that exceeds 3 days that may be covered under FMLA and/or Extended Disability leave, as well as any unauthorized absences and absences involving leave without pay.
4. The Division of Human Resources is responsible for leave policy interpretation and administration to include FMLA and Extended Disability approval, medical verification of leave, and leave advancement. Medical verification includes confirming any medical diagnosis or details related to medical conditions being claimed.
5. The sick leave policy will be applied in an equitable manner to all eligible employees. In instances of suspected sick leave abuse or violation of policy, department heads or authorized supervisors will ask the employee to provide the licensed health care provider's verification of time missed from work as a result of illness or treatment. In addition, absences which exceed three consecutive work days (with or without pay) will require a health care provider's statement prior to returning to work.
6. Additional employees in FTE positions will not be hired to replace employees on sick leave or other authorized leave without pay as a result of qualified approved FMLA and Extended Disability circumstances. Temporary or substitute

employees may be hired for limited periods of time to provide coverage during the absence of employees in FTE positions on qualified approved FMLA or Extended Disability leave.

7. The university maintains leave records for each employee covered under the Sick Leave policy. Leave records are subject to audit.
8. The leave balance of each eligible employee is shown on the employee's electronic pay statement.

#### B. Sick Leave Eligibility

1. Sick leave will be earned by and granted to full time and part-time employees in FTE positions who are:
  - a. scheduled to work at least one-half the workweek on a 12-month basis

OR

  - b. scheduled to work the equivalent of one-half the workweek during the full academic year of nine months or more.

#### C. Sick Leave Earnings

1. Crediting of Sick Leave
  - a. Employees who are in a pay status one-half or more of the workdays of the month shall earn sick leave for the full month. Employees in pay status for less than one-half of the workdays of the month will not earn sick leave for that month.
  - b. Employees will earn sick leave while on sick leave, annual leave, or other authorized leave with pay. Employees will not earn sick leave during periods of unpaid leave.
  - c. Employees' sick leave earnings are computed based on the number of hours in the employee's workday.
2. Rate of Earnings
  - a. Full-time employees in FTE positions will earn sick leave at the rate of one and one-fourth working days per month of service.
  - b. Part-time employees in FTE positions will earn sick leave on a pro-rata basis.
3. Maximum Accrual and Carryover

Full-time and part-time employees in FTE positions will be permitted to earn up to a maximum of 15 sick leave days in a calendar year. They may carryover from one calendar year to the next any unused sick leave up to a maximum carryover of 180 days.

a. Exceptions:

- 1) 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-covered entity, 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 or less, 180 days will become the maximum amount of unused sick leave that the employee may carry over thereafter.
- 2) An employee who changes from being full-time to part-time or from part-time to full-time without a break in service, shall retain the sick leave hours previously earned. If this change results in the employee having a maximum sick leave accumulation in excess of 180 days, as of the effective date of the change, the employee shall not forfeit the excess. The employee shall retain this excess sick leave which shall be 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 workdays or less, 180 workdays shall become the maximum amount of unused sick leave the employee may carryover thereafter.

D. Granting of Additional Sick Leave

1. In extenuating circumstances, in the event an illness extends beyond available sick and annual leave, the Vice President of Human Resources or the Vice President's designee may, upon the written recommendation of the department head, advance up to 15 days of additional sick leave to the employee. Only one approved request may be outstanding at any given time.
2. Sick leave may be advanced only if documentation from a licensed health care provider indicates that the employee is expected to return to work within the 15 day time period for which sick leave is being advanced. If no medical prognosis is available and/or an estimated return to work date is not determined, or is greater than 15 days, the employee must exercise some other form of leave or be placed in leave without pay status.

3. Upon return to work, all sick leave earned by the employee will be applied to the sick leave deficit until the deficit is eliminated.
4. If an employee separates from employment before satisfying the sick leave deficit, and later returns to employment with the state, the leave deficit will need to be satisfied upon re-employment.

#### E. Usage and Charging Sick Leave

1. Leave taken under this section may qualify as Family and Medical Leave Act (FMLA) leave and, if so, will run concurrently.
2. Reasons an employee will be allowed to use sick leave are as follows:
  - a. Personal illness or injury that incapacitates the employee from performing the primary duties of the position (See Section F for Extended Disability leave guidelines.)
  - b. When certified by a licensed health care provider, exposure to or infection with contagious disease such that your presence on duty could endanger the health of others, including fellow employees and/or students.
  - 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. Sickness and recovery related to pregnancy or other temporary medical impairments. The date on which resulting sick leave begins and continues will be at the request of the employee based on the determination and advice of a licensed health care provider. That date should be prescribed on the basis of professional medical opinion that the employee is physically incapable of performing primary duties, or that continuing to perform those duties would be hazardous to the health and/or safety of the employee's medical status.
  - e. Treatment of alcoholism or alcohol abuse by the employee for the purpose 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 may use up to 10 days of sick leave within a calendar year to care for their immediate family during their illnesses. For the purpose of this policy only, "immediate family" includes the employee's spouse and children, in addition to the following relations to the employee or

the employee's spouse: mother, father, brother, sister, grandparent, legal guardian, and grandchildren. In such cases, sick leave may be granted for the same reasons that employees are granted use of sick leave (see paragraphs a.- e. within this section).

- g. Employees may use up to six weeks of earned sick leave for the purpose of caring for an adoptive 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 the care and nurture of the child.
- h. Use of sick leave shall be calculated in quarter hour increments.
- i. In qualifying sick leave situations, the employee will use all sick leave before going on leave without pay unless the Vice President of Human Resources or his/her designee, upon the recommendation of the academic or administrative department heads, grants an exception at the employee's request (see further details in the Extended Disability section).
- j. When a holiday is observed by the university while an employee is using sick leave, that day will be considered a holiday and will not be charged as a day of sick leave for the employee.

#### F. Extended Disability Leave

Under the Americans with Disabilities Act (ADA), the Americans with Disabilities Act Amendments (ADAAA), and other applicable laws, certain extended impairments may be protected as disabilities and may require reasonable accommodation. In certain cases, the use of leave may be considered a reasonable accommodation. Determinations regarding reasonable accommodations should be made on a case-by-case basis as dictated by the circumstances.

The Division of Human Resources will require, prior approval of leave as a reasonable accommodation, certification by the health care provider to include: (a) the date on which the disability commenced; (b) the probable duration of the condition and a probable return date; and (c) appropriate medical facts within the knowledge of the health care provider regarding the condition and any work limitations. Dates set forth in the health care provider's certificate may be amended. The Division of Human Resources may require additional documentation from the health care provider issuing the certificate or may secure additional medical opinions from other health care providers. If an employee's health care provider or the employee identifies a disability as long-term, the Division of Human Resources may suggest to the employee to contact the Public Employee Benefit Authority (PEBA) as soon as possible to evaluate eligibility for any appropriate benefits, such as insurance or retirement, if the employee believes it would be appropriate.

1. 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 of Human Resources or the Vice President's designee grants an exception at the employee's request and for good cause shown.
2. Prior to returning to work, a release to return to work from the employee's health care provider will be required.
3. Work related injuries or illnesses are also subject to the Extended Disability guidelines. (See the [Workers' Compensation policy HR 1.66](#) for further details concerning Workers' Compensation).

#### G. Disposition of Sick Leave

1. Transfer of Earned Leave
  - a. Transfer Between State Agencies

Employees who transfer without a break-in-service from one State-covered entity to another will transfer their earned and 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 sick leave accumulated will be transferred. If the employee subsequently reduces the amount of sick leave carried over to 180 days or less, 180 workdays will become the maximum amount of unused sick leave the employee may carryover thereafter.

- b. Between a State Agency and School District

An employee of a State-covered entity transferring to a school district of the State or a school district employee transferring to a State-covered entity is permitted to transfer to and retain at his new employer all sick leave he earned at his former employer regardless of his employment status at the new employer.

- c. Organizational Reassignment

When an employee moves from one campus or organizational unit of the university to another without a break in service, accumulated sick leave will

be transferred with the employee. Note: Employees moving from a Full-time FTE position to a Research Grant Position or Time Limited Position will be considered to have a break-in-service and transfer of any sick leave will be forfeited.

d. Moving from One Position Type to Another

- 1) Full-time employees in FTE positions who are reassigned to another full-time position are entitled to retain the equivalent number of days of accrued sick leave.
- 2) When an employee in a FTE position moves to another position in the university that has a different workday, the employee's sick leave at the previous department shall be converted to the equivalent days of sick leave at the receiving department.
- 3) Full-time employees in FTE positions who are moved or reassigned to a part-time FTE position and are scheduled to work at least one half the workweek in that part-time position are entitled to retain their total number of days of accrued sick leave; however, the employee may not earn in excess of 180 days (unless there is an exception applicable, as listed in Section 3B of this policy) after the effective date of the move or reassignment. If the total amount of accrued sick leave is in excess 180 days at the time of the move or reassignment, sick leave taken will be deducted from the total until the balance is reduced to 180 days or less, after which the employee will be eligible to accrue sick leave but not to exceed 180 days.
- 4) Full-time employees in FTE positions who are moved or reassigned to less than half-time positions are entitled to retain their total number of days of sick leave, however, after the effective date of the move or reassignment, those employees may not accrue additional sick leave. Sick leave taken will be deducted from sick leave balance as of the date of move or reassignment until the leave has been exhausted.

e. Separation from Employment or Break-in-Service

- 1) For employees hired prior to July 1, 2012, an employee separating from employment as a result of retirement may receive service credit for no more than 90 days of his unused sick leave at no cost to the employee, provided he/she is qualified for this based on South Carolina Public Employee Benefit Authority (PEBA) Retirement guidelines. The leave must be credited at a rate where 20 days of unused sick leave equals one month of service. This additional service credit may not be used to qualify for retirement.



- 2) An employee who terminates employment or experiences a break-in-service as described in University Policy [HR 1.57 Separation from University Service](#) will forfeit all sick leave. The sick leave may not be reinstated and the employee may not be compensated for the forfeited sick leave. However, in the event of a termination resulting from a Reduction-In-Force (RIF), employees who are recalled or reinstated within one year of the date of the RIF will have sick leave credit restored (see University Policy 1.45 Reduction-In-Force for more details).
- 3) An employee who has received prior approval for an extension to the 15-day break in service shall have his sick leave restored if moved or hired into to another permanent position within the approved time period.

## H. Employee Procedure

### 1. Notification of Illness

- a. As soon as an employee is aware that future use of their available sick leave will be required, the employee must notify the immediate supervisor of the need for the leave and submit a request for leave.
- b. When an employee is incapacitated because of illness, the employee must notify the immediate supervisor of the absence at the start of the working day on the date(s) of the unscheduled absence. Upon return to work, the employee must enter all leave in the leave system. Failure to follow these guidelines could result in the employee being in unauthorized leave status, and may be subject to disciplinary action.
- c. If an emergency exists and the employee is unable to call the supervisor, arrangements should be made to have someone notify the supervisor on behalf of the employee.
- d. Unless some indication of the 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.
- e. Failure to give notice within the proper time limit may result in the absence being charged to unauthorized leave without pay, and may be subject to disciplinary action.
- f. If an employee is out for three or more days due to his/her own illness or the illness of a qualified family member (as defined by the Family Medical Leave Act (FMLA), he/she may be eligible for FMLA leave- please refer to University Policy [HR 1.07 Family and Medical Leave](#) for more details. The supervisor and/or employee should contact their HR contact in these instances to determine eligibility for FMLA and guidelines.

## 2. Applying for Leave (FMLA and Non-FMLA)

### a. FMLA-qualified employees

For medical leave exceeding 3 working days, application for an employee's sick leave due to illness, injury or maternity will be made on Federal form WH-380-E (Certification of Health Care Provider for Employee's Serious Health Condition) and form P-83 (Employee Request for Leave). FMLA leave being requested for a qualified family member's illness should be applied for via form Federal form WH-380-F (Certification of Health Care Provider for Family Member's Serious Health Condition), along with form P-83. These documents are due to the Benefits Office within 15 days of the receipt of the paperwork.

### b. Employees not Eligible for FMLA

For medical leave exceeding 3 working days for employees not eligible for FMLA (including those who become ineligible after the initial 12 weeks) application for leave must be completed on Forms P-75 (Employee Medical Certification form) and P-83 (Employee Request for Leave). These documents are due to the Benefits Office within 15 days of receipt of the paperwork.

- c. Federal form WH-380-E (or WH-380-F) and P-75, as relevant, must be completed within 15 days of the date of receipt and sent directly to the Benefits Office within the University's Division of Human Resources.
- d. Sick leave will be granted for eligible employees only for the inclusive dates of disability certified by the health care provider on the Federal form WH-380-E (Certification of Health Care Provider form) or P-75 (Employee Medical Certification form), as applicable; however, the health care provider may amend the dates by completing additional forms and providing a supplemental statement. FMLA leave will also be granted and will run concurrently with any other leave for which the employee is entitled.
- e. Prior to approval, the University Division of Human Resources' Benefits Office may require the health care provider to submit other acceptable medical documentation describing the condition.
- f. The university may require additional health care provider medical opinions from other health care providers.
- g. Prior to returning to work, a release to return to work from your health care provider may be required.

3. Application for Adoptive Leave
  - a. Application for adoptive leave must be made on the Employee Request for Leave form (Form P-83).
  - b. 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.
  - c. The application must be accompanied by a copy of the adoption papers or a letter from an attorney or adoption agency certifying the adoption.

I. Sick Leave Record Corrections

Requests by employees for corrections to their leave records must be made in writing to the employee's department head and then to the Payroll Department within one month of issue of the leave statement (provided via online pay statement) in question.

**RELATED UNIVERSITY, STATE AND FEDERAL POLICIES**

- A. [HR 1.03 Annual Leave](#)
- B. [HR 1.07 Family and Medical Leave](#)
- C. [HR 1.09 Other Leave With Pay](#)
- D. [HR 1.45 Reduction-In-Force](#)
- E. [HR 1.57 Separation from University Service](#)
- F. [HR 1.66 Worker's Compensation](#)

**HISTORY OF REVISIONS**

<b>DATE OF REVISION</b>	<b>REASON FOR REVISION</b>
July 1, 1995	New Policy
August 24, 2010	Revised disclaimer; increased the number of sick days to be advanced; increased the number of family sick days to 10; updated definition of family member
April 14, 2014	Clarified what information may be requested prior to approving leave; Clarified that medical information, including medical diagnosis and details, are to be requested by the Division of Human Resources; Changed order of information and slight wording change; Clarified that extension of the 180 days of initial disability may be approved and extend beyond that time period if there is indication of return to work within that time 12 period; Document disability application procedure for FMLA qualified versus non-FMLA qualified employees; Increased the number of sick leave days for applying for disability and FMLA from to 10

	days to 3 consecutive calendar days; Documents requirement of a return to work slip prior to being able to return from disability Modified the section on Extended Disability Leave to be in compliance with State Regulation revisions
February 7, 2018	Modified the section on Extended Disability Leave to be in compliance with State Regulation revisions. Clarified other areas as needed.