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Policy for: All Campuses
Procedure for: All Campuses
Authorized by: Vice President for Human Resources
Issued by: Division of Human Resources

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I. Policy

This document describes the University of South Carolina policy on paid leave programs, other than annual and sick leave and holidays (i.e., court, death in immediate family, military, voting, bone marrow donation, organ donation) for leave eligible employees, pursuant to regulations of the South Carolina Division of Human Resources. Temporary and student employees are not leave eligible.

- A. The provisions of this policy will be applied in an equitable manner to all eligible employees.
- B. Leave taken under this Section may qualify as Family and Medical Leave Act (FMLA) leave and, if so, will run concurrently.

II. Procedure

A. Other Paid Leave Types

1. Administrative Leave with Pay

- a. Employees in FTE positions who are physically attacked while in the performance of official duties and who suffer bodily harm as a result of the attack will be placed on administrative leave with pay rather than sick leave.
- b. The period of administrative leave for each incident may not exceed 180 calendar days.

2. Adoption Leave- see University HR Policy 1.06 Sick Leave

3. American Red Cross Certified Disaster Service

- a. An employee who is a certified disaster service volunteer for the American Red Cross may use up to 10 days of paid leave in a calendar year to participate in specialized disaster relief services with the approval of the Vice President of Human Resources or designee.

4. Blood Drives and Blood Donation

- a. University employees are permitted to participate in university-sponsored blood drives during their work hours without using sick or annual leave.
- b. Employees who wish to donate blood at a time other than during a university-sponsored blood drive must be excused from work during the employee's regular work hours to make the donation. No leave time or make-up time will be required.
- c. The employee wishing to donate blood is required to notify the department head or authorized supervisor of the scheduled donation and the amount of time needed as far in advance as possible. The department head may deny the employee's request for time if the absence of the employee would create an extraordinary burden on the department.
- d. In considering the employee's request, the department will take into consideration such factors as the necessity and type of blood donation and other factors the department considers appropriate.

- e. The department may require the employee to provide documentation of the donation as a condition of approving the leave.

5. Bone Marrow Donor Donation

- a. An employee who works an average of 20 hours or more a week and who wishes to undergo a medical procedure to donate bone marrow may be granted bone marrow donor leave with pay.
- b. The total amount of paid leave may not exceed 40 work hours unless approved by the Vice President for Human Resources or designee. Such leave may require verification by a health care practitioner of the purpose and length of the request.
- c. If a medical determination is made that the employee does not qualify as a bone marrow donor, the paid leave granted to the employee before that determination will still be allowed.

6. Court Leave

a. Jury Duty (With Pay)

- 1) An employee summoned as a member of a jury will be granted court leave with pay. Any jury fees and/or travel payments may be retained by the employee.
- 2) An employee who is excused from jury duty and is not required to be at court during the hours of the employee's workday is required to return to the job. The employee must be on authorized leave for any time he or she is excused from jury duty and does not return to work.
- 3) An employee on jury duty will be required to work on any given day only the number of hours of the employee's normal work schedule, minus the hours required to be at court.

b. Subpoenaed As a Witness (With Pay)

- 1) When an employee is subpoenaed as a witness and will not receive any personal gain from the outcome of litigation, he/she will be entitled to court leave with pay for those hours required for the subpoena and may retain any witness fee and/or travel expense.

- 2) When an employee is subpoenaed to represent the university as a witness or defendant, the employee's appearance is considered a part of the employee's job. The employee will be reimbursed for any meals, lodging and travel expenses according to university policy.
 - 3) When an employee attends, in an official capacity, a mediation or mediation-arbitration conference, his/her attendance is considered part of the employee's job.
 - 4) When an employee appears as a witness or in any other official capacity in a hearing before the University Grievance Committee or the State Employee Grievance Committee, the employee's appearance is considered part of the employee's job.
- c. An employee, who is a 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.

7. Death in the Immediate Family

- a. Upon request, an employee will be granted up to three consecutive workdays of leave with pay as a result of the death of any member of the employee's immediate family. For purposes of this policy, immediate family is defined as the parent, spouse, children/spouse of children, brother/spouse of brother, sister/spouse of sister, grandparent, great-grandparent, grandchild, great-grandchild, or legal guardian of either the employee or the employee's spouse.
- b. When a death in the employee's immediate family occurs while the employee is on annual or sick leave, leave for death in the family will replace the annual or sick leave taken for up to three consecutive work days.
- c. When a death in the employee's immediate family occurs on an official university holiday, the employee will be entitled to the holiday and to three consecutive workdays of family bereavement leave.
- d. An employee requesting leave for a death in the immediate family shall submit a statement stating the name of the deceased and the relationship to the deceased to their department head or supervisor to facilitate approval of leave.

8. Educational Leave-see University HR Policy 1.21 Educational Leave

9. Extended Disability Leave- see University HR Policy 1.06 Sick Leave
10. Family Medical Leave Act (FMLA) Guidelines- see University HR Policy 1.07 Family and Medical Leave
11. Hazardous Weather and Emergency Leave- see University HR Policy 1.18 Hazardous Weather and Emergency Leave
12. Military Leave-please cross reference University HR Policy 1.07 Family and Medical Leave
 - a. Short-Term Military Training
 - 1) All officers and employees of the state of South Carolina or a political subdivision of the state of South Carolina, 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 15 regularly scheduled average workdays 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. In the event any such person is called upon to serve during an emergency, he is entitled to such leave of absence for a period not exceeding 30 additional days.
 - 2) “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.
 - 3) A state employee in a full time 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 additional work days of military leave in any one year.

- 4) Saturdays, Sundays, and state holidays may not be included in the 15-day aggregate unless that particular day to be included is a regularly scheduled workday for the employee involved.
- 5) 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.

b. Long Term Military Leave of Absence

- 1) Every employee of the state of South Carolina or any political subdivision thereof who, 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/her return to civil employment for a period of 90 days thereafter, but in no event for a period longer than five 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 State or any political subdivision thereof, without loss of seniority or efficiency or register ratings.
- 2) The word "employee" as used herein shall not be construed to mean an officer or official elected or appointed to a term pursuant to a statute or the constitution of this state.

13. Sabbatical Leave- refer to appropriate Faculty Manual document.

14. State Employee Grievances and Appeals Attendance- refer to South Carolina Code of Laws Section 19-712.01 D.3.c. and d.

15. Voting Leave

- a. An employee who lives at such distance from the assigned work location as to preclude voting outside of working hours may be authorized a maximum of two hours of leave with pay for this purpose. To work at the polls during elections, an employee must be on authorized leave with or without pay.
- b. Employees are encouraged to vote either before or after work. However, department managers and supervisors, while ensuring proper coverage in the workplace, should be as flexible with employees so that employees can exercise their right to vote.

16. Worker's Compensation Leave — see University HR Policy 1.66

17. Organ Donor Leave

- a. All employees of the university who wish to be an organ donor and who accrue annual or sick 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 30 regularly scheduled workdays in any one calendar year during which they may engage in the donation of their organs.. Saturdays, Sundays, and state holidays may not be included in the 30-day aggregate unless the particular Saturday, Sunday, or holiday to be included is a regularly scheduled workday for the employee.
- b. Before organ donor leave is approved, the employee must provide documentation from the attending physician of the proposed organ donation, confirming the employee is the donor.

B. Requesting Leave

1. American Red Cross Certified Disaster Service

- a. An employee who is a certified disaster service volunteer for the American Red Cross must notify the department chair or authorized supervisor for approval in writing of the scheduled service and the amount of time needed as far in advance as possible.
- b. A copy of the official notice requiring service should be included in the request for leave. If approved, the leave should be submitted in the applicable leave recording system.

2. Blood Drive and Blood Donation

- a. An employee applying for other leave with pay to donate blood must notify the department chair or authorized supervisor in writing of the scheduled donation and the amount of time needed as far in advance as possible.
- b. The department may require the employee to provide documentation of the donation. If approved, the leave should be submitted in the applicable leave recording system.

3. Bone Marrow Donations

- a. An employee requesting leave as a result of the bone marrow donor program must complete and send an Employee Request for Leave (form P83) to the department head or authorized supervisor for signature. The leave should be specified under the “Other” field. This form should be forwarded to the department HR contact for review and reference.
- b. The completed form should be sent to the USC Division of Human Resources, Benefits Office by the department HR contact.

4. Organ Donor

- a. An employee requesting leave as a result of the organ donor program must complete and send an Employee Request for Leave (form P83) to the department head or authorized supervisor for signature. The leave should be specified under the “Other” field. This form should be forwarded to the department HR contact for review and reference.
- b. The employee should be instructed to complete their portion of the Employee Medical Certification form (P75) and forward it to their physician to complete and forward directly to the Division of Human Resources’ Benefits Office.
- c. The completed P83 form should be sent to the USC Division of Human Resources, Benefits Office by the department HR contact.

5. Court

- a. Upon receipt of a summons or subpoena, the employee must provide a copy of the document to the department chair or authorized supervisor and provide as much information as is known about expected absences related to service as a juror or witness. If approved, the leave should be submitted through the applicable leave recording system.

6. Death in the Immediate Family

- a. The employee must request leave by submitting a statement to the department head or authorized supervisor that includes the name of the deceased and the relationship of the deceased to the employee. If approved, the leave should be submitted through the applicable leave recording system.

7. Military Leave

- a. The employee must submit to the department head or authorized supervisor a request for military leave by completing and sending an Employee Request for Leave (form P83) and attaching a copy of official orders or appropriate military certification. The form should be forwarded to the department HR contact for review and reference.
- b. The completed form should be sent to the USC Division of Human Resources, Benefits Office by the department HR contact.

8. Voting Leave

- a. The employee must request voting leave by providing the department head or authorized supervisor a statement that provides the employee's voting location. Upon approval, the employee should enter the leave in the applicable leave recording system for the supervisor to approve.

9. Administrative Leave With Pay

- a. The employee may apply for administrative leave with pay by completing and sending an Employee Request for Leave (form P83) to the department head or authorized supervisor for signature. The leave should be specified under the "Other" field. This form should be forwarded to the department HR contact for review and reference.
- b. The employee should be instructed to complete their portion of the Employee Medical Certification form (P-75) and forward it to their physician to complete and forward directly to the Division of Human Resources' Benefits Office.
- c. The completed P83 form should be sent to the USC Division of Human Resources, Benefits Office by the Department HR contact.

10. Reporting Leave

All leave taken pursuant to this policy must be reported through the appropriate time recording system.

III. Related Policies

HR 1.03 Annual Leave

HR 1.06 Sick Leave

HR 1.07 Family and Medical Leave

HR 1.18 Hazardous Weather and Emergency Leave

HR 1.21 Educational Leave

HR 1.66 Worker's Compensation Leave

IV. Reason for Revision

- Added new court leave with pay provision per State Regulation revisions.