THE LANGUAGE USED IN THIS DOCUMENT IS NOT INTENDED TO 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 POLICY, 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’S DIVISION OF
HUMAN RESOURCES HAS THE AUTHORITY TO INTERPRET THE UNIVERSITY’S
HUMAN RESOURCES POLICIES.

I. Policy

A. This document sets forth the University of South Carolina Leave Transfer policy for all
eligible faculty and staff except temporary employees, student employees, and certain
contract employees, pursuant to the South Carolina Leave Transfer Act and 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.

B. Eligible faculty and staff may donate leave to, or apply for a leave transfer from, the
University leave pool. The Leave Transfer policy enables eligible faculty and staff who
have exhausted all paid leave to request use of leave donated to the program. The request
must be based on a personal emergency requiring time away from work which would
result in a substantial loss of income because of the lack of paid leave.

C. Leave Donations

1. Faculty or staff earning sick and/or annual leave may donate a specified amount of
annual leave and/or sick leave to be transferred from their leave balance to the
University leave pool. Faculty or staff with 15 days or less sick leave may not
donate sick leave and must maintain a minimum balance of 15 days after donating
sick leave.

2. Leave donations must be made prior to December first of each calendar year.

3. Once leave has been donated to the leave pool, it may not be restored or returned
to the leave donor.

4. A donor of leave may not designate the recipient.

5. An employee may donate no more than one-half of the annual or sick leave they
earn within a calendar year to the leave pool for that calendar year.

D. Leave Transfer

1. Eligible faculty or staff experiencing a personal emergency requiring time away
from work for which they have no paid leave may request that a specified amount
of annual or sick leave, as appropriate to their situation, be transferred from the
leave pool.

   a. Only faculty and staff who accrue annual and/or sick leave are eligible to
request a leave transfer from the leave pool.

   b. For purposes of this policy, a personal emergency is defined as a medical
or family emergency or other hardship situation that is likely to require a
faculty or staff member's absence from duty for a prolonged period of time
and to result in a substantial loss of income because of the lack of paid
leave.

   c. A personal emergency is limited to catastrophic and debilitating medical
situations, severely complicated disabilities, and severe accident cases
which would require a prolonged period of recuperation. Routine
disabilities or disabilities resulting from elective surgery do not qualify for
leave transfers from the leave pool.

   d. For the purpose of this policy, a prolonged period of time as used in the
definition of personal emergency is generally interpreted to be a minimum
30 working days. A faculty or staff member must have been in leave
without pay for a minimum of 30 working days or be able to provide
documentation certifying that a medical emergency will result in a period
of leave without pay for that period of time. However, an employee who is
within 30 days of becoming eligible for long-term disability benefits or
disability retirement, and who has exhausted all accrued leave due to the
prolonged personal emergency, will be eligible to be considered for leave
transfer even though the total period of leave without pay may be for less than 30 working days.

e. A faculty or staff member must exhaust all earned sick and/or annual leave (as appropriate according to University Sick and Annual Leave policies) prior to using approved transferred leave.

f. Leave taken pursuant to this policy may qualify as FMLA leave and, if so, will run concurrently.

g. Employees who become eligible for other paid benefits will generally be considered ineligible for leave transfer from the leave pool. Examples of other paid benefits include but are not limited to workers' compensation, long-term disability, and disability retirement benefits.

h. There is no limit to the number of separate requests that a faculty or staff member may submit; however, each separate request must be limited to no more than 30 working days.

i. When a faculty or staff member returns to work, the personal emergency ends, or employment terminates, any transferred leave remaining in the leave recipient's balance must be restored to the leave pool. When employment terminates, transferred leave from the pool may not be included in a lump sum payment for accrued leave or included in the leave recipient's total service for retirement computation purposes.

j. The department head of the individual requesting a leave transfer is responsible for determining whether there are sufficient funds to pay for the leave transferred from the Leave Pool. Insufficient funds may justify denial of a leave transfer request.

k. Additional factors such as the individual's leave usage record may be considered before recommending approval of a leave transfer request to the State Budget and Control Board.

2. All requests for leave transfer, regardless of the recommendation from the department, must be forwarded to the Division of Human Resources. On the regional campuses and four-year campuses, requests must be sent through the Campus Human Resources Officer to the Division of Human Resources. Those requests meeting the criteria stated above will be forwarded to the State Budget and Control Board for final review and approval.

3. Decisions of the University to recommend approval or deny approval of leave transfer requests and the decisions of the State Budget and Control Board to approve or deny approval of leave transfer requests are final. There are no administrative or judicial appeals of these decisions.
II. Procedure

A. Leave Donations

1. When a faculty or staff member wishes to donate leave to the leave pool, a University Leave Donation (form P-71) must be completed specifying the amount and type of leave to be donated. Donation forms may be obtained from the Division of Human Resources’ website at http://hr.sc.edu/forms.html.

2. The request to donate leave should be forwarded to the Division of Human Resources for review and approval. Faculty and staff on the regional and four-year campuses should give their donation forms to the Human Resources Officer on their campus.

3. When the donation has been approved, the leave donor's sick and/or annual leave balance will be decreased by the specified amount. Notification of this action will be provided to the employee donating leave and to their department head. If a donation has been disapproved, the employee and the department will also be notified.

B. Leave Transfer Requests

1. When a faculty or staff member experiences a personal emergency requiring time away from work for which they have no paid leave, they may request a leave transfer by submitting a Request for Leave Transfer (form P-72) to their department head. The request must include an explanation of the personal emergency, and a brief leave history explaining the reason there is insufficient leave to cover the time needed. The personal emergency may be subject to verification.

2. It will be the responsibility of the department head to review the request, verify the leave history and make a recommendation for approval or disapproval. Regardless of the recommendation from the department, the request must be forwarded to the Division of Human Resources for review, verification of leave, and disposition. Regional and four year campuses should forward the requests for leave transfer through the Human Resources Officer on their campus.

3. The Division of Human Resources is responsible for forwarding leave transfer requests with a favorable recommendation to the State Budget and Control Board for final approval or disapproval.

4. If the leave transfer request is approved, the Payroll Office will transfer the
approved amount of sick and/or annual leave to the leave recipient's balance.

5. When a leave recipient returns to work, the personal emergency ends, or employment terminates, the department head must complete a Return from Leave Notification (form P-73) and send it to the Division of Human Resources. Regional and four-year campuses should route these forms through their Human Resources Officer. Any transferred leave remaining in the balance of the leave recipient must be restored to the leave pool.

III. Reason for Revision

This policy revision updates the disclaimer language as recommended by State OHR and the location for obtaining the University Leave Donation form.