

PROFESSIONAL/SUPPORT STAFF LEAVES AND ABSENCES

Code **GCC/GDC** Issued **7/18**

Purpose: To establish the basic structure for all types of professional/support staff leaves and absences

NOTE: This policy and accompanying administrative rule may include sick leave (to include Family and Medical Leave Act requirements), personal/emergency/legal leave, maternity/paternity/parental leave, organ donor leave, military leave, conferences/training workshops, and sabbaticals. Vacations and holidays are the subject of a separate policy.

The continuous presence of employees promotes excellence in the instructional program by ensuring the following:

- the uninterrupted continuity of education
- greater teacher-student contact time
- appropriate role-model emulation
- consistent classroom discipline
- reduced cost

Therefore, the board expects employees to come to work every day. The board recognizes, however, that certain absences are unavoidable. At such times, employees should take leave in accordance with this policy and its accompanying administrative rule.

Absent employees must comply with procedures set out in the administrative rule that accompanies this policy.

Sick Leave

Accrual of sick leave

All full-time employees of the center will accrue sick leave on the basis of one and one-fourth days of sick leave for each month of active service. This will provide the following:

- 12 days 190-day contract
- 13 days 200-day contract
- 14 days 210-day contract
- 15 days 240-day contract

An employee may accumulate up to 90 days of sick leave which is accrued but not used provided that such employee does not violate his/her respective contract.

For the purposes of this policy, a full-time employee will mean any person employed in a position for which certification is required by the South Carolina Department of Education or a person who has been employed in the school center for five months and works at least 30 hours per week.

Use of sick leave for absences

An employee may use sick leave for absences caused by personal illness.

Use of accrued leave for illness or death in the immediate family

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Accrued sick leave days, up to a maximum of 90 days, may be used for serious illness in the employee's immediate family or for the death of a member in the employee's immediate family which requires the employee to provide care. An employee who anticipates requiring extended leave to provide care for a family member should submit a written request on the appropriate form to their supervisor as far in advance as possible. The request for extended leave for this purpose must include a statement from a licensed medical doctor giving the expected time the employee will be needed to provide care for a family member. The request must be approved by the director or his/her designee. The term "immediate family" includes the following:

- spouse
- son, son-in-law, stepson
- daughter, daughter-in-law, stepdaughter
- mother, mother-in-law, stepmother
- father, father-in-law, stepfather
- brother, brother-in-law, stepbrother
- sister, sister-in-law, stepsister
- grandparents
- guardian and ward or other relative living in the household at the time of illness

When the employee makes a request in writing, the director may grant an employee leave without pay for personal illness following the exhaustion of all accrued sick leave. Leave with and without pay will not extend beyond the immediate school year.

The center will assign an employee who returns to work the same or similar duties which he/she performed prior to going on leave, if such assignment is in the best interest of the center. If the administration does not consider it to be in the best interest of the center to assign the employee to the position he/she had prior to going on leave or to a similar position, the center will offer the employee a position for which he/she is qualified. The center will place the employee on the payroll at his/her pre-leave salary status.

Termination

The center may terminate the employment of any employee who fails to comply with the requirements of this policy and accompanying administrative rule, who fails to report to work at the expiration of authorized leave, or who fails to obtain an extension of leave.

An employee is subject to termination from employment with the center for misstatements of fact and/or misrepresentations of purpose for which leave of absence is desired or on the basis of which sick leave is obtained.

The center will not terminate from employment those employees under this policy who have accrued sick leave and who are using it in compliance with this policy. The center must not terminate from employment any such employee during a continuing sick leave of less than 91 workdays.

Transfer of Sick Leave

An employee of a state agency transferring to any school center in the state or a school center employee transferring to a state agency may transfer to and retain all sick leave he/she accumulated at his/her former place of employment.

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Reimbursement for Unused Leave

Sick leave

Employees are eligible for reimbursement of unused sick leave. Center employees will be paid \$25.00 per day for unused sick days that have cumulated over 90 days. Reimbursement will be made by July 30th of the next fiscal year.

Vacation leave

Twelve-month employees may accumulate up to 30 days of unused vacation days. Upon separation from the center, these employees may be reimbursed at their daily rate of pay for up to 30 accumulated vacation days.

Family and Medical Leave Act (FMLA)

The board will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA). Eligible employees are entitled to up to 12 workweeks of unpaid family and medical leave in any 12-month period. The center will continue to pay the center's share of the employee's health benefits during the leave. In addition, the center will restore the employee to the same or similar position after the termination of the leave in accordance with board policy.

In complying with the FMLA, the center will adhere to the requirements of the Americans with Disabilities Act as well as other applicable federal and state laws.

For further information, please refer to administrative rule GCC/GDC-R.

Organ Donor Leave

Employees may take a leave of absence to be an organ donor without loss of pay, time, leave, or efficiency rating for one or more periods not exceeding a total of 30 workdays in one fiscal year. Saturdays, Sundays, and state holidays may not be included in this 30 days unless the Saturday, Sunday, or holiday is a regularly scheduled workday for the employee.

An employee seeking leave to be an organ donor must forward a written request, including the appropriate documentation from the attending physician verifying that the employee is the donor, to the director no later than 10 workdays prior to the leave.

Personal/Emergency/Legal Leave

Bereavement leave

The center will grant up to three days sick leave for the death of the employee's immediate family as defined in this policy.

Marriage leave

The center will grant an employee one day without penalty for the marriage of an employee.

Personal leave

An employee may use two of his/her sick days per school year for personal/emergency leave. Personal days are not cumulative but roll over as sick days if not used.

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Emergency leave

For emergencies and unusual situations not covered by the leave policies of the center, an employee may request the superintendent's authorization for use of sick leave days. The employee must submit the request in writing through the principal or supervisor to the superintendent.

Legal absence

The center will grant an employee leave without loss of pay when he/she is summoned for jury duty or subpoenaed. If an employee must appear in court for any reason other than the above, the center will deduct substitute pay from his/her salary. Whenever a prospective juror is dismissed before the end of the working day, he/she will return to his/her official duties.

When selected for jury duty, instructors, certified personnel at the building level, or bus drivers may request a postponement to a date that does not conflict with the school term.

Maternity/Paternity Leave

A pregnant employee is eligible for extended illness leave. While on leave, she may receive pay for accumulated sick leave as provided herein.

Military Leave

Employees may take military leave without loss of pay, seniority, or efficiency rating for one or more periods not exceeding a total of 15 workdays in one year. Saturdays, Sundays, and state holidays may not be included in this 15 days unless the Saturday, Sunday, or holiday is a regularly scheduled workday for the employee.

This leave may be taken when the employee is engaged in training or 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. This leave applies to employees 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.

In the event an employee is called upon to serve during an emergency, he/she will be entitled to such leave of absence for a period not exceeding 30 additional days.

The center expects employees to request their training for a period when school is not in session.

An employee seeking leave for annual active duty training must forward a written request, including the appropriate verifying data, to the director no later than 30 days prior to the pre-arranged military activity.

Extended military leave

Employees who enlist or are called to active duty are eligible for up to five years extended military leave. All provisions of federal law apply to extended military leave (reemployment, benefits, etc.). However, the center is not required to maintain employee benefits for extended leave.

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Written substantiation of leave under this policy is required. Falsification of reason for leave may be cause for disciplinary action up to and including termination of employment.

Application and approval for leave under this policy are made on the leave application form.

Conferences/Training Workshops

The board believes that it is desirable to provide professional leave for instructors in order to attract and retain faculty who will continue to grow professionally and enhance their service to the public schools of the center.

The center may grant temporary leave to an employee for the purpose of attending activities designed to improve employee competency or to improve the instructional or service programs of the center.

The director may authorize professional leave for attending state, regional, and national meetings, workshops, and conferences (including observing in other schools) without pay deduction. The employee must apply for prior approval through his/her supervisor.

The director will determine the number of absences allowable for professional leave. Absences will also be subject to budget limitations for employing substitutes and reimbursement for travel, meals, and lodging.

Adopted 3/18/85; Revised 2/15/88, 6/8/04, 7/16/18

Legal References:

A. Federal Law:

1. American with Disabilities Act of 1990, 42 U.S.C.A. Section 12101, *et seq.*
2. The Family and Medical Leave Act of 1993, 29 U.S.C.A. Sections 2601-2654.
3. The Uniformed Services Employment and Reemployment Act of 1994, 38 U.S.C.A. Sections 4301-4334.

B. S. C. Code, 1976, as amended:

1. Section 8-7-20 - Requires granting of military leave, without pay, up to five years.
2. Section 8-7-90 - Requires 15 days per year of leave with pay for members of National Guard and Reserve Units of the various Armed Forces; grants an additional 30 days of leave with pay in emergency situations.
3. Section 8-11-65 - Organ donor leave.
4. Section 9-1-2210 - Teacher and Employee Retention Incentive Program.
5. Section 14-1-190 - Compensation received for jury duty deemed to be expense money.
6. Section 14-7-845 - Relating to optional postponement of jury service for students and employees.
7. Section 25-1-2250 - Employees entitled to leave with pay when serving in National Guard.
8. Section 59-1-400 - Sick leave accrual and use.