



SCDC POLICY

NUMBER: **HR-11.08**

TITLE: EMPLOYEE LEAVE

ISSUE DATE: March 22, 2023

RESPONSIBLE AUTHORITY: DIVISION OF HUMAN RESOURCES

POLICY MANUAL: **HUMAN RESOURCES**

SUPERSEDES: ADM-11.08: July 1, 2007; January 1, 2004

RELEVANT SCDC FORMS/SUPPLIES: 16-2A, 16-5, 16-18, 16-39, **16-22**, 16-42, 16-48, 16-57, 16-102, 16-103, **16-135**, **16-138**

ACA/CAC STANDARDS: 4-ACRS-7E-07 , 4-ACRS-7E-09, 4-4048, 4-4065

STATE/FEDERAL STATUTES: State Human Resources Regulations; Family and Medical Leave Act; Americans with Disabilities Act (ADA), the Americans with Disabilities Act Amendments Act (ADAAA); **South Carolina Code of Laws 8-11-670; SC Code of Laws, Section 1-13; Pregnancy Accommodation Act, Lactation Support Act**

THE LANGUAGE USED IN THIS POLICY DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY 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.

PURPOSE: To provide guidelines for the provision of annual leave, sick leave, leave without pay, military leave with/without pay, **Death in Immediate Family** leave, court leave, **voting** leave, leave for a disability, hazardous weather/emergency leave, family medical leave, holiday observance, and holiday compensatory time. (4-ACRS-7E-07, 4-ACRS-7E-09, 4-4048, 4-4065)

POLICY STATEMENT: The South Carolina Department of Corrections will afford employees the opportunity to be granted leave consistent with applicable state and federal statutes and State Human Resources Regulations.

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SPECIFIC PROCEDURES:

1. HOLIDAYS:

1.1 State Approved Holidays: With the exception of hourly paid employees, SCDC employees will be allowed to observe with pay the following state approved holidays:

HOLIDAY	DATE
New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January
President's Day	Third Monday in February
Confederate Memorial Day	May 10
National Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25
Day after Christmas	December 26

Holidays are to be observed on the prescribed day unless an employee is an essential employee and must work on the holiday. Employees should be notified in advance if they are to work on the holiday. When a holiday falls on Saturday, it shall be observed on the preceding Friday and if a holiday falls on Sunday, it shall be observed on the following Monday, respectively, by all employees unless otherwise notified by the Division of Human Resources. Permanent part-time employees will receive a prorated amount of holiday compensatory time commensurate with the hours actually worked, not to exceed their normal work day. *Time limited and temporary grant employees may also be eligible for paid holidays when the time limited contract or grant permits the eligibility. Temporary employees are not eligible for paid holidays.*

1.2. Holiday Compensatory Time:

1.2.1 In the event an employee is required to work on a legal holiday, s/he will receive *holiday compensatory time not to exceed 8.00 or 7.50 hours based upon the employee's work week of 40.00 or 37.50 hours. Holiday compensatory time earned* must be taken within 90 days from the date earned, must be *taken before annual leave, and can be taken at the discretion of the Agency. Holiday compensatory time taken must be requested and approved by the immediate supervisor via SCEIS Central before midnight the day before the holiday is scheduled to expire. A non-essential employee must obtain approval in advance to work on a holiday.*

1.2.2 Employees whose regularly *scheduled* days off falls on a legal holiday will earn holiday compensatory time based on their *Work Schedule Rule (WSR) as defined in the South Carolina Enterprise Information System (SCEIS) not to exceed 8.00 or 7.50 hours based upon the employee's work week of 40.00 or 37.50 hours. EXCEPTION: An employee who works any portion of a holiday on their scheduled day off, will earn holiday compensatory time for the hours worked and holiday*

observance for the balance of the work day not to exceed their average workday (8.00/7.500). Allowing an employee to work any portion of a holiday that is scheduled as a day off may result in straight time overtime for an employee based on their FLSA work week.

1.2.3 For the purpose of holiday compensatory time/compensation, SCDC employees are classified into two (2) categories:

- o "Exempt" employees are those who occupy an executive, administrative, or professional position. "Exempt" employees must take holiday compensatory time at the convenience of the Agency within 90 days from the date earned or forfeit such time. In no case will an "exempt" employee be paid for holiday compensatory time that is *forfeited*.
- o "Non-exempt" employees must take holiday compensatory time at the convenience of the Agency within 90 days from the date earned, and if not taken, will be paid for *forfeited* hours at their regular hourly rate of pay.

1.3 Supervisors are responsible for keeping track of holiday compensatory time earned and the expiration date by using SCEIS Central, Manager Self Service. Holiday compensatory time earned must be used before annual leave.

1.4 Upon termination from employment, a "non-exempt" employee will be paid for any unused holiday time. An "exempt" employee will be required to forfeit any unused holiday/compensatory balance.

1.5 All hours worked on a state approved holiday *or a holiday observed* will be counted as *accountable* hours in determining eligibility for overtime compensation. *Any unpaid (leave without pay)* leave taken will not be counted as *accountable* hours worked for the purpose of computing overtime but will apply toward accountable hours required for the 7 or 28-day cycle.

1.6 When a legal holiday falls during a period of sick leave, annual leave, overtime credit taken, or holiday time taken, the employee will *be allowed to observe the holiday not to exceed 8.00 or 7.5 hours depending on their weekly hours (37.50/40). Leave will be charged only to make up the difference between 8/7.5 hours and their required work schedule, i.e. 12 hours, 10 hours, etc.*

1.7 Employees on leave without pay *for an entire scheduled work day, the day before a holiday will not be eligible for the holiday observance. Additionally, an employee on leave without pay for the entire scheduled work day the day before a holiday will not receive holiday compensatory time earned if the holiday is a scheduled day off.*

1.8 *Should* a holiday fall on a day that an employee is on paid military leave *the employee is to observe the holiday. Should a holiday fall on a day that an employee is on paid military leave and it is their scheduled day off,* the employee will earn holiday compensatory time.

1.9 An employee who has been injured on the job and elects to use option #1, using sick or annual leave, will observe legal holidays that occur on scheduled workdays and will earn holiday compensatory time *if the* holiday *falls* on scheduled days off. Employees who select option #2, workers' compensation benefits, will be in a leave without pay status with the agency and will not be eligible for holiday compensatory time. Employees who select option #3, *Workers Compensation Leave* to use a prorated amount of sick or annual leave, will observe a holiday in an amount equal to the prorated amount of leave when the holiday falls on a scheduled work day. When a holiday falls on the employee's regular day off, s/he will earn holiday compensatory time in an amount equal to the prorated amount of leave taken *n* on a scheduled work day.

2. ANNUAL LEAVE:

2.1 Accrual:

2.1.1 Annual leave will be accrued and granted to all permanent and probationary full-time and part-time employees who are in pay status *and have accounted for* at least one-half of their *scheduled* work hours *for* the month. Temporary grant and time limited employees may be eligible for annual leave accruals only if specified in the grant. Part-time employees may earn annual leave *accruals* on a *prorated* basis if in pay status *and have accounted for* at least one half of their *scheduled* work *hours for the month*.

2.1.2 No hourly paid (temporary, temporary grant, or time limited) employee will accrue annual leave.

2.1.3 If an employee's *weekly* work hours change *(as a result of a position change, etc.)*, resulting in a *WSR change in SCEIS*, his/her annual leave hours will be converted and adjusted to comply with his/her new *weekly* work hours.

2.1.4 Bonus leave earnings are awarded to employees based on verified state service and school district service and will be reflected in their annual leave accrual *date*. Bonus leave earnings begin *when an employee has completed their tenth (10th) year of credited service for leave accrual purposes. It is the responsibility of the employee to obtain written verification of credited state service or school district service from prior employers. The written verification must be provided to the Division of Human Resources, Payroll and Leave Branch. An employee failing to provide the written justification within thirty (30) days from their date of hire will not be given leave accruals retroactive to their hire date but will receive accruals based on the date the written verification is received.*

2.1.5 Employees must report all prior state or school district service on SCDC Form 16-14, "State Audit Questionnaire." Employees will be responsible for completing and forwarding an SCDC Form 16-47, "Certification of State Service/School District Claim for Annual Leave Accrual Purposes," to their former employer. *The form may* be mailed or faxed back to the Division of Human Resources. Upon receipt of the Form 16-47, adjustments will be made to the employee's leave accrual date and state service date as appropriate. Qualified school district service does not affect an employee's state service date.

2.1.6 *Non-exempt employees use KRONOS time clock to capture their hours of work and any exceptions to the working time is keyed via CAT2. Employees leave accruals will post on the date in which they have accounted for one-half (1/2) of their required work hours for the month.*

2.1.7 As indicated in Charts I and II below, the amount of annual leave earned per year is based on an employee's weekly scheduled work hours (e.g., 37.50 or 40 hour per week schedule) and leave accrual date, which reflects:

- o Verified *South Carolina state* service credit, including part-time service *reflecting any adjustments where an employee had a break in service.*
- o Verified service as a certified employee in a permanent position of a school district of this state.

CHART I

37.5 Hour per Week

Years of Service	Days Per Year	Hours Per Month
1 - 10	15.00	9.375
11	16.25	10.156
12	17.500	10.9437
13	18.75	11.718
14	20.00	12.500
15	21.25	13.281
16	22.50	14.062

17	23.75	14.84 3
18	25.00	15.6 24
19	26.25	16. 06
20	27.50 0	17.1 87
21	28.75	17.9 68
22 and over	30.00	18.75 0

CHART II

40 Hours per Week

Years of Service	Days Per Year	Hours Per Month
1 - 10	15 .00	10.00 0
11	16.25	10.83 3
12	17.50 0	11.6 66
13	18.75	12.50 0
14	20.00	13.33 3
15	21.25	14.1 67
16	22.50	15.00 0
17	23.75	15.83 3
18	25.00	16.6 67
19	26.25	17.50 0
20	27.50 0	18.33 3
21	28.75	19.1 67
22 and over	30.00	20.00 0

2.2 Annual Leave Carry-Over: Full-time employees are permitted to carry over from one (1) calendar year to the next any unused annual leave up to a total accumulation of 45 days (360 hours for 40 hour per week employees or 337.5**0** hours for 37.5**0** hour per week employees). Part-time employees are permitted to carry over the *prorated* portion of the 45 days maximum of full-time employees.

2.3 Taking Annual Leave:

2.3.1 Employees must request leave requirements via SCEIS Central in advance to obtain approval from their supervisor. Leave should be approved by the supervisor before the day/date for which the leave has been requested.

2.3.2 An employee is charged annual leave for the actual time that s/he is away from his/her job, *not to exceed their work schedule for the day*. (For example, if an employee working a 12-hour shift is away from his/her job on annual leave for the entire 12-hour shift, the employee will be charged with 12 hours of annual leave.)

2.3.3 Leave must be accrued before it can be taken. An employee *cannot* have a negative annual leave balance.

2.4 Maximum Usage of Annual Leave:

2.4.1 The maximum number of earned or accumulated *hours* of annual leave that may be taken in any one (1) calendar year will not exceed:

- For 37.5**0** hour per week employees (or 7.5**0** hour per day employees), 225 hours;

- For 40 hour per week employees (or 8 and 12-hour per day employees), 240 hours;
- For permanent part-time employees, the prorated portion of the 30-day maximum is based on the 37.50 or 40 hour work schedule that is applicable to full-time employees on a five (5) days per work week schedule.

2.4.2 An exception to maximum usage requirements may be requested by an employee for one of the following reasons only:

2.4.2.1 Family Medical Leave Act (FMLA) qualifying event:

- Emergencies or serious health condition of the employee.
- Emergencies or serious health conditions of the employee's spouse, parents, or children.

2.4.2.2 Emergencies or serious health conditions of the following relatives of the employee or the spouse: parents, grandparents, brothers, sisters, children, grandchildren, and legal guardian. (**Note:** the serious health condition of the parents and/or legal guardian of the employee is an FMLA qualifying event.)

2.4.2.3 *For an emergency or extreme hardship condition as referenced in South Carolina Code of Laws 8-11-670, the Agency head or designee, may allow an employee who has used all accumulated sick leave and thirty (30) days of annual leave, to use any remaining annual leave which he/she has accumulated. Employees should complete, if possible, in advance, SCDC Form 16-16, "Request to Exceed Maximum Annual Leave."*

2.4.2.4 *An employee may request a review by the State Human Resources Director of a denial of the use of annual leave as provided above.*

2.5 Leave Without Pay For Serious Illness Of Employee's Family Or Other Hardship Situations:

2.5.1 *An employee who has requested, been approved, and used their maximum amount of Family Medical Leave in a calendar year, may request leave without pay if it is related to their approved Family Medical Leave Request. The employee should request leave without pay in advance for any period of leave without pay that is not approved Family Medical Leave.*

2.5.2 Leave without pay will be considered only when an employee has **requested, been approved and taken all Family Medical Leave based on Family Medical Leave Guidelines** and exhausted all **eligible leave based on Family Medical Leave Guidelines**.

2.5.3 Requests for leave without pay **above and beyond the maximum approved Family Medical Leave period in a calendar year** may be approved for no more than 20 work days (160 hours for 8 or 12 hour per day employees and 150 hours for 7.50 hour per day employees) **in** a calendar year.

2.5.4 All **other** requests for leave without pay must be submitted on SCDC Form 16-57, "Leave of Absence Request Without Pay." **The request must be submitted in advance with** a memorandum **attached** from the requesting employee **providing** the following information:

- The reason for request;
- The specific dates of absence from work;
- Signature of the requesting employee;
- Signature of the employee's immediate supervisor and the appropriate approving authorities as described in Sections 2.5.5 below;
- **An employee requesting leave without pay for personal reasons must exhaust all accrued annual leave, not to exceed the maximum of 240 hours for a 40 hour a week employee/337.50 for a 37.50 hour a week employee.**

2.5.5 Approving Authorities for Leave Without Pay:

2.5.5.1 Requests of up to five (5) work days (40 hours for 8 or 12 hour per day employees and 37.50 hours for 7.50 hour per day employees) require the signature and prior approval of the appropriate Warden or Division Director and of the Division Director of Human Resources.

2.5.5.2 Requests for between six (6) to ten (10) work days of leave without pay (48 to 80 hours for 8 or 12 hour per day employees, and 45 to 75 hours for 7.50 hour per day employees) require the signature and prior approval of the *appropriate* Warden or Division Director, the Director of Human Resources *or designee*, and the *Director or Director Designee*.

2.5.5.3 Requests for more than ten (10) work days of leave without pay (more than 80 hours for 8 or 12 hour per day employees, and more than 75 hours for 7.50 hour per day employees) require the signature and prior approval of the *appropriate* Warden or Division Director, of the Director of Human Resources *or designee*, and the *Director or Director Designee*. (NOTE: Under extreme emergency or hardship conditions, the Agency Director may approve further extensions upon request through the Division Director of Human Resources, the appropriate Warden or Division Director, and the appropriate member of the Director's Staff.)

2.5.5.4 Once approved as stipulated in 2.5.5 (2.5.5.3), *the Division of Human Resources will notify the employee, Warden/Division Director and the Institutional Human Resource Manager/Liaison or Divisional Liaison*. The supervisor *must* coordinate with the *Institutional* Human Resources Manager/Liaison *or Divisional Liaison* to ensure that SCDC Form 16-5, "Personnel Advice Form," is properly completed and submitted to the Payroll *and Leave Branch*, Division of Human Resources, *for leave without pay greater than five (5) scheduled work days*. A copy of the Personnel Advice Form should be *placed in the employee's leave file*. *Once the employee is placed on leave without pay, no further reporting of leave without pay is required on a Time and Attendance Form (SCDC 16-2A) or in SCEIS Central. Upon return to work, the supervisor must coordinate with the Institutional Human Resources Manager/Liaison or Division Liaisons to ensure that SCDC Form 16-5, "Personnel Advice Form" is properly completed and submitted to the Payroll and Leave Branch, Division of Human Resources, to return the employee from leave without pay.*

2.5.5.5 Any leave without pay taken without the approvals noted in this section may be considered to be an unauthorized absence and appropriate corrective action may be taken against both the employee and the employee's supervisor.

2.5.5.6 Employees should reference Section 5.10 (Family Medical Leave Act - FMLA), below for additional provisions for leave without pay.

2.5.5.7 *An employee on leave without pay during a period of approved Family Medical Leave is not required to request leave without pay as stipulated above until it is known when/if the leave without pay will extend beyond the approved Family Medical Leave period.*

2.6 Termination, Retirement, or Death:

2.6.1 Upon retirement or termination from state employment, or the death of an employee while in active service, a lump sum payment will be made for accrued unused annual leave hours not to exceed 360 hours for 40 hour per week employees (8 or 12 hour workday) and 337.50 for 37.50 hour per week employees (7.50 hour workday) regardless of hours used.

2.6.2 An employee who resigns from the Agency to accept employment with another state agency must *state in their letter of resignation that they are resigning to accept employment with another state agency in order for their annual leave balances to be transferred to the gaining agency. An employee who fails to provide this information in their letter of resignation will have their annual leave paid out which will result in a break in service.*

2.6.3 A retiree of the Police Officers Retirement System (PORS) or the South Carolina Retirement System (SCRS) who returns to work in any position in which s/he accrues annual leave will not be eligible for a second annual leave payout *if rehired on or after July 1, 2005*.

2.7 Use of Annual Leave for Political Activity: See SCDC Policy ADM-11.07, "Employee Political Activity," for additional information on the use of annual leave for candidacy for political office, participation in polls, other political activity, and lobbying.

3. SICK LEAVE:

3.1 Accrual:

3.1.1 Sick leave will be accrued and granted to all permanent and probationary full-time and part-time employees who are in pay status *and have accounted for at least one-half of their required work hours for the month*. Temporary grant and time limited employees may be eligible for sick leave accruals only if specified in the grant. Part time employees may earn sick leave on a prorated basis. *Monthly leave accruals will not be posted until an employee accounts for at least one half of their required work hours for the month*.

3.1.2 No hourly paid (temporary, temporary grant, or time limited) employee will accrue sick leave.

3.1.3 Employees working a 37.50 hour work week (7.50 hour per day employees) will accrue *9.375* hours per month. Employees working a 40-hour work week (8 or 12 hour per day employees) will *accrue (10.00)* hours per month.

3.1.4 If an employee's *weekly* work hours change (as a result of a position change, etc.), *resulting in a WSR change in SCEIS*, his/her sick leave hours will be converted and adjusted to comply with his/her new *weekly* work hours *schedule*.

3.1.5 Permanent, full-time employees are permitted to accrue a maximum of 195 days of sick leave (1,560 hours for 8 or 12 hour per day employees and 1,462.5 for 7.50 hour per day employees).

3.2 Sick Leave Carry-Over: No more than 180 days (1,440 hours for 8 or 12 hour per day employees and 1,350 hours for 7.50 hour per day employees) of sick leave may be carried over from one (1) calendar year to the next.

3.3 Taking Sick Leave: An employee will be granted sick leave if absent for any of the following reasons:

- Personal illness or injury incapacitating the employee to perform his/her duties of the position;
- Exposure to a contagious disease;
- Appointment for medical or dental examination or treatment when such cannot be arranged during non-working hours. *Note: If possible, examination appointments should be requested and approved in advance by the employee's immediate supervisor;*
- Sickness during pregnancy or other temporary disabilities. *Note: If possible, the date on which sick leave for disability is to begin shall be at the request of the employee based on the determination and advice of the employee's health care practitioner;*
- Treatment of alcoholism or other addiction: *Note: In accordance with the South Carolina Code of Laws (8-11-110), which recognizes alcoholism as a treatable illness, sick leave will be granted for the purpose of participating in public and private treatment and rehabilitation programs which have been approved by the South Carolina Department of Mental Health;*

- ***Caring for a child being adopted:*** (An employee may use up to six [6] weeks of accrued sick leave for the purpose of caring for an adoptive child after placement. Authorized leave may only be requested by the employee who is primarily responsible for the care and nurture of the child. If both parents work for the state, only the employee who is primarily responsible for furnishing the care and nurture of the child may use six [6] weeks of sick leave. For additional leave, see "FMLA," Section 5.10, below);
- Birth of child. (An employee giving birth may use up to six (6) weeks of accrued sick leave for childcare after the birth of a child. Additional sick leave may be requested and authorized with a physician's authorization/statement identifying the requirement for more than six (6) weeks. (For additional information see Section 5.10, "FMLA," below.)
- Caring for ill members of immediate family: ***NOTE: Employees earning sick leave as provided in 3.1.1 above, may not use more than ten days, 75 hours for a 37.50 hour a week employee/80 hours for a 40 hour a week employee to care for ill members of their immediate family. For purposes of this section, the employee's immediate family is defined as employee's spouse and children and the following relations to the employee or the spouse of the employee: mother, father, brother, sister, grandparent, legal guardian, and grandchildren.***

3.3.1 An employee is charged sick leave for the actual time that s/he is away from the job. An employee cannot be charged sick leave on his/her regular day off. Sick leave may be charged on a state approved holiday only after observance of (8.00) hours of the state holiday if the base schedule is 40 hours per week or after 7.50 hours if the base schedule is 37.50 hours per week. ***Overtime worked by an employee cannot be substituted for sick leave usage without written consent from the employee.***

3.3.2 An employee should (when possible) request sick leave in advance ***via SCEIS Central to obtain approval for scheduled medical appointments. Should an employee be out of work on unplanned sick leave greater than three days, the supervisor must coordinate with the Institutional Human Resource Manager/Liaison or Divisional Liaison the completion of Leave and Attendance form (SCDC 16-2A) for entry via CAT2.***

3.3.3 An employee ***out of work due to an illness*** in excess of three (3) consecutive work days, regardless of an employee's work schedule, ***must provide, in advance, to their supervisor, a return to work statement, from the attending medical provider. The return to work statement must identify the inclusive dates that the employee was disabled and could not work and if there are any work restrictions and how long the work restrictions will be in place for the employee based on the return to work date. Any work restrictions for the employee must be reviewed by the Warden/Division Director and discussed with the Employee Relations Branch before the employee may return to work to determine if the work restrictions can be accommodated and to ensure compliance with State and Federal Laws. The doctor's statement must be attached to the back of the SCDC Form 16-2A, "Leave and Attendance Report." and placed in the employee's leave file. For any sick leave request by the employee via SCEIS Central, the return to work statement must be provided and reviewed as defined above and placed in the employee's leave file once a final decision is made that the employee may/may not return to work.***

3.3.4 ***An employee out of work due to an illness of an immediate family member must provide documentation of the illness of the immediate family member after three (3) consecutive work days. The doctor's statement must include the need for the employee's presence and the timeframe the employee's presence is/was required.***

3.3.5 A hospitalized employee must ***provide*** a return to work statement from his/her personal physician to his/her supervisor before returning to work. ***Should the doctor's statement identify any work restrictions for the employee, the Warden/Division Director and Employee Relations must review the work restrictions before the employee may return to work to determine if the work restrictions can be accommodated. Employee work restrictions are to be discussed with the Division of Human Resources, the Employee Relations Branch, for individual case review to ensure compliance with State and Federal Laws.***

3.3.6 An employee *who was injured outside of work cannot return to work until he/she has been cleared by their attending physician and has provided a written return to work statement from their physician to their immediate supervisor stating that the employee has no work restrictions. If the statement mentions restrictions, the supervisor should contact the Division of Human Resources, the Employee Relations Branch, for individual review of each case to ensure compliance with State and Federal Laws.*

3.3.7 When there is reason to suspect that sick leave is being abused by an employee, the employee's supervisor must follow steps included in SCDC policies related to employee corrective action. In cases of suspected abuse of sick leave, the supervisor may require a certificate from a physician certifying the disability and providing a diagnosis and prognosis along with the inclusive dates of required sick leave before approving sick leave. Failure to provide the requested documentation may result in the employee being placed in leave without pay status for the period of absence.

3.3.8 *An employee may use earned holiday compensatory time in lieu of sick leave by providing written consent to use holiday compensatory time in lieu of sick leave.*

3.4 Maximum Usage of Sick Leave:

3.4.1 Family Sick Leave: Employees may use a maximum of 80 hours if working a 40-hour work week (8 or 12 hour per day employees) or 75 hours if working a 37.50 hour work week (7.50 hours per day employees) of sick leave each calendar year for *family* sick leave to care for immediate family members. (For purposes of *family* sick leave only, "immediate family" means the employee's spouse and children and the following relations to the employee or the spouse of the employee: mother, father, brother, sister, grandparent, legal guardian, and grandchildren. *Family* sick leave is deducted from an employee's sick leave balance. A doctor's statement is required of any employee for hours taken in excess of three (3) consecutive working days. If possible, employees should request sick leave for the illness of an immediate family member the same as for an employee's personal illness. For purpose of common-law marriage, the employee must provide a statement confirming the common law marriage. The statement must be signed by both the employee and spouse and both signatures must be notarized.

3.4.2 *An employee may use earned holiday compensatory time in lieu of family sick leave by providing written consent to use holiday compensatory time in lieu of family sick leave.*

3.4.3 Extended Disability: See Section 5.9, Extended Disability Leave and Section 5.10, Family and Medical Leave Act (FMLA) Leave.

3.5 Sick Leave Advances:

3.5.1 In extenuating circumstances, an employee (upon exhausting all annual and sick leave) may request and be advanced up to 120 hours or 112.50 hours of sick leave (dependent on the employee's work schedule). The employee must provide written verification from the health care provider that the employee *can* return to work *at the end of specified* period of time. Should a medical diagnosis/prognosis or projected return to work date not be available, the employee must request and be approved for a leave of absence without pay.

3.5.2 Requests for sick leave advance must be *requested* in writing and approved by the appropriate Warden/Division Director *and reviewed by the Division Director of Human Resources/designee with final approval by the appropriate member of the Director's staff/designee.* To be eligible, the employee must be on an extended absence and return to work immediately following the advanced hours. Upon return to work, the employee will have all earned sick leave applied to the leave deficit at the rate of *1.25* days per month (or, if part-time, the monthly earning rate) until the deficit has been eliminated. *Upon approval by the appropriate member of the Director's staff/designee, the request must be returned to the Division of Human Resources, Payroll and Leave Branch, to accomplish the advancement of sick leave, to include notification to the employee and Warden/Division Director.*

An employee who receives an advancement of sick leave does not receive monthly leave accruals until such time as the number of hours advanced have been negated.

3.5.3 Leave Transfer Program: Employees who exhaust all sick and annual leave who are on leave without pay due to an extended illness or disability may apply for sick leave under the Agency Leave Transfer Program. (See Section 4. below, for information.)

3.6 Termination, Resignation, and Retirement:

3.6.1 An employee who terminates/resigns from the Agency *will have their time/leave audited by the Institutional Human Resources Manager/Liaison or Divisional Liaison and the Payroll and Leave Branch. Based on the audit, if the employee did not account for their scheduled work hours based on their Fair Labor Standards ACT (FSLA) workweek, their annual/holiday leave balance(s) will be adjusted based on the shortage or the dollar value will be deducted from their final payroll check.*

3.6.2 An employee who resigns from the Agency to accept employment with another state agency *must state in their letter of resignation that they are resigning to accept employment with another state agency in order to have their sick leave balances transferred to the gaining agency. An employee who fails to provide this information in their letter of resignation will experience a break in service which will result in the loss of any sick leave balance.*

3.6.3 An employee may donate excess sick leave to the Agency Pool. See Section 4., below, for additional information.

4. LEAVE TRANSFER PROGRAM:

4.1 Donations of leave to the Agency's annual and sick leave transfer pool:

4.1.1 Eligibility to Donate: Employees may donate accrued annual and sick leave to the Agency's Annual and Sick Leave Transfer Pools as provided below. Any employee desiring to donate to the Agency's sick and/or annual leave pool must do so prior to December 15th of each calendar year.

4.1.1.1 Annual Leave: An employee may voluntarily donate annual leave to the Agency's Annual Leave Pool not to exceed one-half of his/her calendar year accruals by completing SCDC Form 16-102, "Leave Transfer/Donation Request." The donation request *must* be submitted to the *Institutional Human Resources Manager/Liaison or Divisional Liaison* who must forward it to the Division of Human Resources for processing.

4.1.1.2 Sick Leave: An employee with a balance of *more than* 15 days *of* accrued sick leave (120 hours for 8 or 12 hour per day employees, and 112.50 hours for 7.50 hour per day employees) may voluntarily donate sick leave to the Agency's Sick Leave Pool not to exceed one-half of the calendar year accruals by completing SCDC Form 16-102, "Leave Transfer/Donation Request Form." The donation request *must* be submitted to the *Institutional Human Resources Manager/Liaison or Divisional Liaison* who must forward the request to the Division of Human Resources for processing. Employees donating sick leave must, however, retain a minimum balance of 15 sick leave days in their account (120 hours for 8 or 12 hour per day employees, and 112.50 hours for 7.50 hour per day employees).

4.1.1.3 Donation of Leave to Another State Employee: Employees may donate accrued annual and sick leave to another employee within the same agency, not to exceed one-half of their annual accruals. Leave donated must be for an employee or family member with a medical condition that will require prolonged absence from work, or projected to be on leave without pay status for more than (30) days that will result in a substantial loss of income to the employee.

Any annual and/or sick leave that an employee donates will count towards the maximum amount of annual and/or sick leave that an employee can donate within a calendar year. In addition, any unused annual and/or sick leave that remains once the medical emergency ends will be donated to the respective agency leave pool account.

4.2. Requests For Annual/Sick Leave From The Agency Leave Transfer Pool:

4.2.1 Requests to be a Recipient of Sick Leave: To receive sick leave from the agency leave transfer pool, an employee must meet the following minimum criteria:

- Must have at least **12** months of **continuous** service in South Carolina government;
- Must have exhausted all eligible sick and annual leave;
- Must be projected to be on leave without pay a minimum of 240 consecutive work hours for employees assigned to an 8 or 12 hour day schedule or 225 consecutive work hours for employees assigned to a 7.50 hour day schedule;
- Must provide a doctor's statement providing the diagnosis, prognosis, projected length of the disability/medical condition, **and must meet one of the following criteria:** life threatening, catastrophic, debilitating, **or prolong period** of recovery;
- Must complete SCDC Form 16-103, "Recipient Leave Request Form," with approvals of the appropriate Warden, Division Director, or appropriate member of the Director's staff; and
- **Cannot be eligible to receive or be receiving** other available benefits, i.e. Worker's Compensation, long term disability. (**NOTE: See Section 4.4 for additional approval criteria.**)

4.2.2 Requests to be a Recipient of Annual Leave: To receive annual leave from the agency leave transfer pool, an employee must meet the following minimum criteria:

- Must provide evidence of a recent and specific severe family crisis and extreme hardship circumstances with dire financial consequences;
- Must provide evidence that the employee is the primary care provider if the severe family crisis is for the employee to care for an immediate family member;
- Must provide detailed documentation of financial hardship, to include information on all income and debts, to include monthly payments, balances, status of payments to determine net cash flow after all expenses;
- Must have at least **12** months of continuous service in South Carolina state government;
- Must have exhausted all annual leave;
- Must have exhausted **family** sick leave if requesting annual leave to care for an immediate family member;
- Must be projected to be on leave without pay a minimum of 240 consecutive work hours for employees assigned to an 8 or 12 hour day schedule or 225 consecutive work hours for employees assigned to a 7.50 hour day schedule;
- If requesting annual leave to care for an immediate family member, must provide a doctor's statement providing the diagnosis, prognosis, projected length of the disability/medical condition, if the medical condition is life threatening, catastrophic, debilitating, and whether the family member is in a state of recovery; (Immediate family is defined as spouse, parents, grandparents, great grandparents, brothers, sisters, children, grandchildren, and great grandchildren of the employee or spouse);
- Must complete SCDC Form 16-103, "Recipient Leave Request Form," with approvals of the appropriate Warden, Division Director, or appropriate member of the Director's staff/**designee**;
- Must not be eligible for other benefits, i.e., Worker's Compensation, long term disability (See Section 4.4 for additional approval criteria.);

Note: An employee not meeting the criteria for sick leave will not be eligible to be a recipient for annual leave. Requests must be submitted to the Division of Human Resources who will review documentation provided and notify the employee and appropriate Warden, Division Director, or appropriate member of the Director's staff of approval/disapproval. Any medical documentation

***and/or personal information* submitted will be maintained as confidential information pursuant to SCDC Policy ADM-11.29, "Employee Record Maintenance and Confidentiality of Information."**

4.3 There is no limit to the number of requests an employee may submit for sick or annual leave transfer. Each leave transfer request will be limited to a maximum of 240 hours for 8 **or** 12 hour employees and 225 for 7.50 hour employees. The Division Director of Human Resources/designee will ensure that sufficient agency leave balances exist.

4.4 In addition to the above requirements, the Division Director of Human Resources/designee will also review the employee's request for sick or annual leave transfer for the following:

- Previous leave usage to determine possible excessive use or abuse of leave benefits;
- Previous corrective action taken against the employee (previous employment history may be reviewed for indications that the employee has experienced attendance related problems);
- Immediate supervisor's recommendation as to the impact on morale and efficiency of the work place if the request is approved; **and**
- ***Applying for Family Medical Leave.***

4.5 Once the eligibility of a leave recipient has been approved, the Division **Director** of Human Resources/designee will transfer the approved hours of annual and/or sick leave to the leave recipient. The Division Director of Human Resources/designee will notify the requesting employee and the appropriate Warden, or Division Director, or appropriate member of the Director's staff of the approval/disapproval.

4.6 Administrative or Judicial Appeal: The selection of leave transfer recipients for review and approval is not subject to administrative or judicial appeal.

4.7 Use of Leave Transferred from Pool: Upon approval of a request, ***the Division of Human Resources/designee will key the available hours in SCEIS from the appropriate leave pool.*** Leave approved and used under the Leave Transfer Program ***will be recorded by the Division of Human Resources/designee*** on SCDC Form 16-2A, "Leave and Attendance Report," ***and keyed in via CAT2 in SCEIS.*** Annual or sick leave transferred under this program may be substituted retroactively for periods of leave without pay or used to liquidate an indebtedness for advanced sick leave. Annual or sick leave that accrues to the account of the leave recipient must be exhausted before using any leave from a leave transfer pool.

4.8 Termination of Emergency: The personal emergency affecting a leave recipient terminates when the Agency is notified in writing that the personal emergency no longer exists, the employee is approved for other benefits, or the leave recipient employee dies. The leave recipient will advise his/her immediate supervisor every 30 days of the status of the personal emergency and will be required to re-request and provide updated medical statements if s/he is out for an extended period. Should the emergency cease to exist, the leave recipient will be required to report the change immediately to his/her supervisor for instructions on returning to work. The ***Institutional*** Human Resources Manager/***Liaison, Divisional Liaison,*** or record keeper must notify the Division of Human Resources in writing of the effective date the emergency terminated and when the employee should be returned to leave without pay status or will return to work. Upon termination of an emergency, no further requests for transfer of leave to the leave recipient's leave account may be made, and any transferred annual or sick leave remaining to the credit of the leave recipient will be restored to the appropriate pool account by the Division of Human Resources.

4.9 Termination of Employment: Any unused annual or sick leave that was transferred from a pool account to a leave recipient who is terminated from employment will be restored to the appropriate pool account by the Division of Human Resources. Transferred leave from a pool account will not be transferred to another employee, nor be included in a lump-sum payment for accrued leave, nor be included in the leave recipient's total service for retirement computation purposes.

4.10 Employees should also refer to Section 2.5 above for requests that are personal in nature and less than 20 days in duration, or Section 5.10 below for additional information.

5. OTHER LEAVE TYPES:

5.1 *Administrative* Leave (*Assault* Leave):

5.1.1 Employees in full time equivalent (FTE) positions who are physically attacked while in the performance of official duties and suffer bodily harm as a result of an attack may be placed on *Administrative* Leave, which is administrative leave with pay, formerly called Inmate Assault Leave, rather than sick leave. Administrative leave with pay may not exceed 180 calendar days. If the *leave* exceeds 180 days, the employee will be re-evaluated by a doctor at this time. If the evaluation shows that the employee's physical condition will improve, the employee's pay status will be determined by the election made at the time of the injury. (See Section 5.15 for additional information.)

5.1.2 Hourly paid employees will not be eligible for *administrative* leave but may have benefits available from the State Accident Fund, depending on the length of *leave*.

5.1.3 The Workers' Compensation Coordinator/designee of the Division of Safety, Fire Inspections, and Workers Compensation must approve the use of *administrative* leave in advance before an employee may be placed on such leave.

5.1.4 Any employee physically attacked while in the performance of official duties, or directly attacked by an inmate should, if physically able, notify his/her supervisor immediately. (For clarification, an attack by an inmate, for the purpose of this policy, refers to the actual assault of an employee by an inmate as a result of direct physical contact or a traumatic event.) Notification of injury may be made by another employee or supervisor, should the employee not be physically able; however, such notification must be made before the employee leaves the job assignment whenever possible.

5.1.5 The immediate supervisor and the involved employee must immediately complete the appropriate SCDC injury reports, as required in SCDC Policy ADM-16.15, "Workers' Compensation," and forward them directly to the institution/work site Workers' Compensation contact person. These forms will then be forwarded to the Workers' Compensation Section in the Division of Safety, Fire Inspections, and Workers Compensation within 24 hours of the injury.

5.1.6 The *Deputy Director*/Division Director/Warden or designee will contact the Workers' Compensation Section giving the information necessary to authorize the use of assault leave. This initial authorization may be granted verbally, but in all cases, a Management Information Note (MIN) must be forwarded to the Workers Compensation Section to substantiate the use of *administrative* leave.

5.1.7 An employee on *administrative* leave must keep his/her supervisor informed of his/her medical condition, as required in SCDC Policy ADM-16.15, "Workers' Compensation". The employee must obtain a medical report from the authorized treating physician explaining the nature of the disability and a prognosis of when the employee should be able to return to work. These reports should be updated upon each visit to the physician and submitted to his/her supervisor. Supervisors will submit copies of all reports to the institution/work site Workers' Compensation contact person, who will forward them to the Workers' Compensation Section in the Division of Safety, Fire Inspections, and Workers Compensation.

5.1.8 All *administrative* leave taken will be properly *reported by the immediate supervisor/ Institutional Human Resource Manager/Liaison or Divisional Liaison* on SCDC Form 16-2A, "Leave and Attendance Report," in the *category of administrative leave for keying in via CAT2*.

5.1.9 An employee who is on *administrative (assault)* leave *during* a holiday which falls on a scheduled work day will observe the holiday. Employees who are scheduled to work more than 7.50 or 8 hours a day will be on *administrative (assault)* leave for the remaining required hours.

5.1.10 Final approval of acceptance of the injury claim will be determined by the State Accident Fund.

5.1.11 An employee who is injured in the line of duty and approved for administrative (assault) leave must be offered and provided a Family Medical Leave Request Form (SCDC 16-48).

5.2 Adoption Leave: See Section 3.3 (Sick Leave and Section 5.10-FMLA)

5.3 American Red Cross Certified Disaster Service Leave: An employee who is certified as a disaster service volunteer for the American Red Cross may be entitled to receive paid leave each year of up to 80 hours for 8 or 12 hour employees and 75 hours for 7.50 hour employees when participating in specialized **disaster** relief services **with the approval of the agency designee**. The employee must provide a **written** verification of the disaster volunteer service to his/her immediate supervisor **to include the requested dates of service. The supervisor may deny the request should an employee's absence create an extraordinary burden on the Institution/Division.**

5.4 Blood Drive and Donation Leave:

5.4.1 Volunteer blood drives may be held periodically at times and places as determined by the Agency Director/designee. Employees may participate in the blood drive during working hours without using sick or annual leave.

5.4.2 An employee who would like to donate blood at a time other than an agency arranged blood drive during working hours may do so without having to take leave or make up the time. The employee must notify his/her supervisor of the amount of time needed to make the donation as far **in** advance as possible. The supervisor may deny the employee's request if the employee's absence would create an extraordinary burden on the agency. In considering the employee's request the supervisor must consider the necessity and type of donation and any other factor the agency considers appropriate. As a condition of approving the request, the supervisor may require the employee to provide documentation of the donation.

5.5 Bone Marrow Donor Leave:

An employee who works an average of 20 hours or more per week and who seeks to undergo a medical procedure to donate bone marrow may be granted bone marrow donor leave with pay. The total amount of paid leave may not exceed 40 work hours unless a longer length of time is approved by the Agency Director. **The employee must submit their request in writing and provide verification from a health care practitioner of the date the bone marrow medical procedure is to take place and the length of time needed. Should there be a medical determination that the employee does not qualify as a bone marrow donor, the paid leave of absence granted to the employee before that medical determination is not forfeited.**

5.6 Court Leave:

5.6.1 Jury Duty (With Pay):

5.6.1.1 *An employee, who is summoned as a member of a jury panel, shall be granted court leave with pay. Any jury fees and travel payment shall be retained by the employee. An employee summoned for jury duty should notify their supervisor in advance and provide written documentation of their summons. This court leave with pay shall not apply to employees who are exempt from jury duty by law.*

5.6.1.2 *An employee, who is excused from jury duty and is not required to be at court the number of hours equal to the employee's workday, is required to return to the job or make arrangements with their immediate supervisor to take leave (annual/holiday) for the number of hours equal to the employee's workday. Failure to return to work or make arrangements for leave equal to the workday could result in corrective action for unauthorized absence.*

5.6.1.3 *An employee who is summoned to jury duty will be required to work on any given day only the number of hours equal to the employee's work schedule, minus the hours required to be*

at court.

5.6.2 Subpoenaed as a Witness (With Pay):

5.6.2.1 An employee, who is subpoenaed as a witness and who will not receive any personal gain from the outcome of the litigation, shall be entitled to court leave with pay for those hours required for the subpoena and may retain any witness fee and travel expenses.

5.6.2.2 Exceptions:

- *An employee engaged in personal litigation is not eligible for court leave with pay, but may be granted annual leave, holiday compensatory leave or leave without pay with the approval of their immediate supervisor.*
- *It will be considered part of an employee's job assignment and hours worked when an employee is subpoenaed to represent the Agency as a witness or defendant. The employee shall be reimbursed for any meals, lodging, and travel expenses that may be incurred according to State Travel Guidelines and Agency Policy.*
- *It will be considered a part of their job assignment and hours worked when an employee attends a mediation or mediation-arbitration conference, representing the Agency.*
- *It will be considered a part of an employee's job assignment and hours worked when appearing as a witness or in any other official capacity in a hearing before the State Employee Grievance Committee.*

5.6.3 Victim or Witness (With Pay)

An employee, who is victim or a 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.

5.6.4 Court duty leave must be requested and approved via SCEIS Central and employees must provide supportive documentation to their immediate supervisor to be placed in the employee leave file.

5.7 Death In Immediate Family:

5.7.1 An employee, upon request, shall be granted up to 24 consecutive work hours (for 8 or 12 hour per day employees) or 22.50 consecutive work hours (for 7.50 hour per day employees) of *death in immediate family* leave with pay upon the death of an employee's immediate family member. ("Immediate family" is defined as the spouse, grandparents, great grandparents, parents, legal guardians, brothers, spouse of brothers, sisters, spouse of sisters, children, spouse of children, grandchildren, and great grandchildren of either the employee or the spouse. For the purpose of common law marriage, the employee must provide a notarized statement confirming the common law marriage and spouse.

5.7.2 *Death in immediate family leave must be requested and approved via SCEIS Central and must be taken consecutively.*

5.7.3 A note (obituary or funeral program) stating the name of the deceased and the employee's relationship to the deceased *must be provided to the immediate supervisor to assist in approving leave in SCEIS Central. The documentation (obituary or funeral program) must be placed in the employee leave file.*

5.8 Educational Leave:

Employees are encouraged to schedule classes during off-duty hours whenever possible. When a desired class cannot be scheduled during off-duty hours, the *employee may request that their work schedule be adjusted to*

accommodate their class schedule, if doing so will not interfere with normal efficient operations of the agency. The employee must request the schedule adjustment in advance, provide a copy of their class schedule, and obtain approval of their immediate supervisor and Warden/Division Director. If the employee's work schedule cannot be adjusted, the employee may elect to use annual/holiday compensatory time or leave without pay for any period of absence related to their class schedule. NOTE: See SCDC Policy ADM 11.14, "Employee Participation in Academic Courses" for additional information.

5.9 Extended Disability Leave:

Under the Americans with Disabilities Act (ADA), certain extended impairments may be protected as disabilities and may require reasonable accommodation. In certain state Human Resources Regulations 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.

5.9.1 For any extended period of certified disability due to illness, injury or maternity, an employee may request leave as a reasonable accommodation. The employee must request leave/leave without pay in advance and provide certification from their health care practitioner to include: 1) the date on which the disability commenced, 2) the probable duration of the condition, and a probable return to work date and 3) appropriate medical facts within the knowledge of the healthcare practitioner regarding the condition and any work limitations. Updated medical statements must be provided by the employee should the dates of disability change. The Agency may require additional documentation from the health care practitioner issuing the certificate or may secure additional medical opinions from the other healthcare practitioners.

5.9.2 The Agency may not deny an employee's request for the disability leave for a bona fide illness or disability unless the employee is diagnosed with a permanent condition that prevents them from returning to work.

5.9.3 Should the medical practitioner release the employee to return to work during the period of extended disability leave, the Agency shall reinstate the employee to the same position or one of a comparable pay band for which the employee is qualified. The employee must provide a written return to work statement from their health care practitioner in advance to their immediate supervisor. The written return to work statement must state that the employee is able to return to work and perform the essential functions of their job with work restrictions or without work restrictions. Should there be any work restrictions, the work restrictions must be provided in writing, specifying the work restrictions and how long the work restrictions are to be in place. The Employee Relations Branch must be notified in advance for determination of reasonable accommodations before the employee is allowed to return to work. If the employee is unable to return within the extended disability leave, the immediate supervisor and/or Warden/Division Director should contact the Employee Relations Branch for individual review to ensure compliance with State and Federal Laws before termination of employment.

5.9.4 An employee who is out of work due to a certified disability must be offered Family Medical Leave. Documentation proving the offering of Family Medical Leave must be placed in the employee's leave file.

NOTE: Consult with legal and employee relations prior to any terminations under this section.

5.10 Family And Medical Leave Act (FMLA): *The information below pertains ONLY to the Family and Medical Leave Act (FMLA).*

5.10.1 Eligible Employees refers to employees who have been employed in state service, with South Carolina State Government being one employer, for at least 12 months and who have worked (compensable hours), at least 1,250 hours during the 12-month period prior to the date that the FMLA condition commenced, request for FMLA leave. The twelve (12) month period need not be consecutive.

An eligible employee shall be granted up to twelve (12) weeks of continuous or intermittent FMLA leave (paid or unpaid), each calendar year for any of the following reasons:

- *For the birth of a son or daughter and to care for that child;*
- *For placement of a son or daughter for adoption or foster care with the employee;*
- *Caring for the employee's spouse, son, daughter or parent with a serious health condition; and*
- *Serious health condition(s) that make the employee unable to perform their job functions;*
- *For qualifying exigencies arising out of the fact that an employee's spouse, son, daughter or parent is on active duty or called to active duty status as a member of the National Guard or Reserves in support of a contingency operation. Qualifying exigencies can include: 1) short notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; 7) post-deployment activities; and 8) additional activities not encompassed in other categories but agreed by the Agency and the employee.*
- *Military caregiver leave provisions which allows an eligible employee who is a spouse, son, daughter, parent or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness may be able to take a total of 26 work weeks in a single 12-month period to care for the service member.*

NOTE: FMLA for the birth of a child or adoption/foster care, the eligibility for leave expires 12 months after the date of the birth or placement.

It is the responsibility of the employee to notify their immediate supervisor immediately should they meet any criteria defined in 5.10.1 above. The immediate supervisor should refer the employee to the Institutional Human Resources Manager/Liaison or Divisional Liaison or notify the Institutional Human Resources Manager/Liaison or Divisional Liaison immediately of an employee who may qualify for the Family Medical Leave Act as defined in 5.10.1 above.

The following are definitions to assist in determining eligibility:

Immediate Family Member refers to biological parents; individuals who are legal guardians; biological adopted, foster, and stepchildren; children over whom the employee has legal guardianship; children less than 18 years of age, or more than 18 years of age and incapable of self-care because of a mental or physical disability; and spouse.

Spouse refers to a husband or wife as defined or recognized under state law for purpose of marriage, including common law marriages where such are recognized by state law.

Son or Daughter refers to a biological, adopted, or foster child; a *stepchild*; a legal ward; or a child of a person standing in loco parentis, who is:

- Under the age of 18; or
- 18 years of age or older and incapable of *self-care* because of a mental or physical disability.

Parent refers to a biological mother or father or an individual who stands or stood in loco parentis to the employee when the employee was a son or daughter (does not include parents-in-law).

Serious Health Condition refers to an illness, an injury, an impairment, or a physical or mental condition that involves:

- Any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice, or residential medical care facility; or
- Any period of incapacity requiring absence from work, school, or other regular daily activities of more than three (3) calendar days that also involves continuing treatment by (or under the supervision of) a health care provider; or
- Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three (3) calendar **days**, or prenatal care.

5.10.2 Use of FMLA Leave: An eligible employee may request and be approved, for up to a total of 12 weeks of FMLA leave per calendar year, for any of the following reasons:

- For the birth of a son or daughter and to care for that child;
- For placement of a son or daughter through adoption or foster care with the employee;
- To care for the employee's spouse, son, daughter, or parent with a serious health condition; and
- For a serious health condition that makes the employee unable to perform the functions of the employee's job.

5.10.3 Paid and/or Unpaid Leave: Family Medical Leave (**FMLA**) may be for periods of absence that are paid or unpaid.

- Eligible employees can use their accrued sick leave for FMLA leave when the FMLA leave request qualifies for sick leave usage. (**NOTE: The necessity of a physician's excuse for more than six (6) weeks of such leave applies to sick leave requirements only and not to FMLA leave requirements.**)
- An eligible employee may elect to **use FMLA annual leave upon exhausting their FMLA sick leave accruals or maximum FMLA family sick leave, 80 hours for a 40 hour per week employee and 75 hours for a 37.50 hour employee.**
- The FMLA leave will run concurrently with any paid leave or unpaid leave.

5.10.4 Notification Procedures:

5.10.4.1 When an employee has knowledge of an illness or pregnancy, s/he should request FMLA through his/her immediate supervisor at least 30 days in advance. Should an emergency occur, an employee should request Family Medical Leave immediately. Supervisors do not have **the authority to approve/disapprove** FMLA. Supervisors may not interfere with, restrain, or deny any rights provided by FMLA. The **Director** of Human Resources/**designee of the Payroll/Leave Branch**, will notify the responsible Warden, Division Director **or Deputy Director and Institutional Human Resources Manager/Liaison or Divisional Liaison** in writing upon **approval/disapproval** of an FMLA request. If the employee is in the category of dual supervision, then both the Warden and the Division Director will be notified.

5.10.4.2 When a supervisor is notified of an employee illness, employee pregnancy, or eligible family member illness, s/he **must** notify the appropriate **Institutional Human Resources Manager/Liaison or Divisional Liaison and the appropriate designee in the Division of Human Resources, Payroll and Leave Branch. The designee in the Payroll and Leave Branch will mail the appropriate documentation to the employee and provide a deadline to employee to have the form(s) completed and returned to the Division of Human Resources for review and approval/disapproval. An employee who has been notified in a timely manner and fails to provide their FMLA documentation in a timely manner may have their request delayed/denied. The designee in Payroll and Leave Branch will make notification to the employee and the appropriate supervision of the approval/denial.**

5.10.5. Application Procedures for FMLA: Employees should use the following procedures and forms when requesting Family Medical Leave:

5.10.5.1 Serious Illness of Employee: For the *serious* illness of an employee, *the appropriate Institutional HR Manager/Liaison or Divisional Liaison, or designee in the payroll and Leave Branch should be notified by either the employer or the employee's supervisor for the need for FMLA. The employee's eligibility will then be determined, and the Payroll and Leave Branch designee will forward to the employee via mail a Notice of Eligibility & Rights and Responsibilities under the Family Medical Leave Act, Form WH-380-E, Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act). The designee from the Payroll and Leave Branch will mail via US Mail or email the appropriate Certification form to the employee for completion. The form must be completed in its entirety providing all requested information and submitted to the appropriate designee in the Payroll and Leave Branch. An employee with a serious health condition must exhaust all accrued sick leave before requesting to use their annual leave or going on leave without pay. Routine physical, eye, or dental examinations do not qualify for FMLA.*

5.10.5.2 Adoption of a Child: For the adoption of a child, completion of SCDC Form 16-49, "Notification - Child Birth/Adoption/Foster Care," is required. For adoption of a child (employee must be the primary care provider), the first six (6) weeks may be taken as sick leave if accrued. *Additionally, the employee must provide a copy of the document showing proof of the adoption.* Once the six (6) weeks have expired, the employee has the option of requesting annual leave or going on leave without pay without additional physician authorization/statement. The six (6) weeks of sick leave will be concurrent with *and count towards* the 12 weeks of FMLA. *Leave taken will be counted toward the 12-week FMLA period.*

5.10.5.3 Birth of a Child: For the birth of a child, completion of SCDC Form 16-49, "Notification - Child Birth/Adoption/Foster Care," must be completed. For giving birth, a maximum of six (6) weeks of sick leave may be taken by an employee, unless additional sick leave is authorized in writing by the employee's physician. In these cases, an employee will be authorized to use additional accrued sick leave over and above six (6) weeks. Once the employee's authorized sick leave has been exhausted, the employee has the option of taking accrued annual leave or leave without pay. The six (6) weeks of sick leave will be concurrent with *and count towards* the 12 weeks of FMLA. *Leave taken will be counted toward the 12-week FMLA period. A doctor's statement is not required for the birth of a child except as follows:*

- When the concurrent use of sick leave during the FMLA absence exceeds six weeks;
- When the employee must begin FMLA leave well before the birth of the child because of complications.

5.10.5.4 Serious Illness of Family Members: *An employee in need of applying for Family Medical Leave due to a serious illness of a family member should notify the appropriate Institutional Human Resource Manager/Liaison, Divisional Liaison or the appropriate designee in the Payroll and Leave Branch to apply for FMLA. The employee's eligibility will then be determined and the Payroll and Leave Branch designee will forward to the employee via mail a Notice of Eligibility & Rights and Responsibilities under the Family and Medical Leave Act, and if found eligible Form WH-380-F, Certification of Health Care Provider for Family Member's Serious Health Condition (Family and Medical Leave Act) can be obtained from the Payroll and Leave Designee. The designee from the Payroll and Leave Branch will mail via US Mail or email the appropriate Certification form to the employee for completion. The form must be completed in its entirety providing all the requested information and submitted to the Division of Human Resources, Payroll and Leave Branch, for review and approval/disapproval.* When employees request FMLA leave for an immediate family member, they *must* use the maximum of 80 hours of *family* sick leave for 8 or 12 hour employees, and 75 hours of *family* sick leave for 7.50 hour employees. Once they have used the maximum of *family* sick leave, *an employee* may request annual leave for use under the FMLA, or go on leave without pay.

5.10.5.5 Qualifying Exigency - *An employee eligible for Family Medical Leave due to a qualifying exigency should notify the appropriate Institutional Human Resource Manager/Liaison, Divisional Liaison, or the appropriate designee in the Payroll and Leave Branch to apply for FMLA. The*

employee's eligibility will then be determined and the Payroll and Leave Branch designee will forward to the employee via mail a Notice of Eligibility & Rights and Responsibilities under the Family and Medical Leave Act, and if found eligible Form WH-384, Certification of Qualifying Exigency for Military Family Leave (Family Medical Leave-Act). The form must be completed in its entirety providing all the requested information and submitted to the Division of Human Resources for review and approval/disapproval.

5.10.5.6 Caregiver Leave - An employee eligible for Family Medical Leave should refer to Fact Sheet #28M(a): Military Caregiver Leave for a Current Service member under the Family and Medical Leave Act and notify the appropriate Institutional Human Resource Manager/Liaison, Divisional Liaison, or the appropriate designee in the Payroll and Leave Branch to apply for FMLA. The employee's eligibility will then be determined and the Payroll and Leave Branch designee will forward to the employee via mail a Notice of Eligibility & Rights and Responsibilities under the Family and Medical Leave Act, and if found eligible, Form WH-384, Certification of Qualifying Exigency for Military Family Leave (Family Medical Leave-Act). The appropriate form must be completed in its entirety providing all the requested information and submitted to the Division of Human Resources for review and approval/disapproval.

5.10.6 Payment of State Group Insurance: When an employee exhausts all paid leave and has requested leave without pay, and is approved for family medical leave, the employee will not be responsible for the employer's portion of his/her state group insurance (health, **vision** and dental) for any full calendar month of leave without pay while on FMLA.

5.10.7 Approval of FMLA: Once requested and the **Human Resource Director or Payroll and Leave Branch Designee** has determined that the leave being taken qualifies as FMLA, the request will be approved and declared as FMLA Leave. The **Director of Human Resources or Payroll and Leave Branch Designee** will then notify the employee in writing, his/her supervisor, the appropriate Warden, Division Director **or Deputy Director and the Institutional Human Resources Manager/Liaison and/or Divisional Liaison** of the approval within **ten (10) working days**.

5.10.8 Reporting FMLA: All leave taken due to FMLA (annual leave, sick leave, or leave without pay) must be reported **by the immediate supervisor and/or Human Resources Manager/Liaison or Divisional Liaison** and on SCDC Form 16-2A, "Leave and Attendance Report," for the actual time away from the job **ensuring appropriate leave codes are utilized. Employees approved to take leave on an intermittent basis are responsible for requesting and obtaining approval for the appropriate FMLA leave via SCEIS Central for prior approval of their immediate supervisor. All leave for an employee on an extended absence is to be handled by the immediate supervisor and/or Institutional Human Resources Manager/Liaison or Divisional Liaison to ensure the employee does not get overpaid. For any employee placed on extended leave without pay (greater than five (5) days), the employee is to be placed on leave without pay with the Institutional Human Resources Manager/Liaison or Divisional Liaison completing and submitting a Personnel Advice Form (SCDC 16-5). Once the employee is placed on indefinite leave without pay, no further reporting of leave without pay is required on the Time and Attendance Form or in SCEIS Central.**

5.10.9 Delay of Approval for FMLA: The Agency, at its discretion, may delay FMLA if the employee fails to request FMLA within a reasonable time frame and there is no satisfactory excuse for not requesting FMLA within a reasonable period. The use of FMLA will be subject to verification.

5.11 Hazardous Weather And Emergency Leave:

5.11.1 Declaration of Emergency: *Should there be a declaration of extreme weather or other emergency conditions employees should follow the guidelines for the County in which they reside or work as it pertains to any closings or late reporting to work. "Emergency conditions" means circumstances that would expose employees to harmful or unsafe conditions as determined by the Governor's Office.*

5.11.2 The Governor's Office will determine how any absence should be handled as it pertains to Hazardous Weather and/or Emergency Leave.

5.11.3 The Division of Human Resources will communicate to all employees how time/leave is to be handled as it pertains to sections 5.11.1 and 5.11.2 upon notification from the Division of State Human Resources.

5.11.4 The Agency Director may declare an immediate evacuation of a location in the interest of personal safety. Should this occur, the Division of Human Resources will communicate to the affected locations how any work time is to be handled.

5.11.5 Non-Essential and Essential Employees: Due to the fact that the SCDC is a 24-hour, seven (7) day per week operation, all Wardens, Division Directors, and other appropriate managers must identify employees in essential positions by classification or internal title and post a list of names or positions and titles in a conspicuous place on a permanent basis. This list must be reviewed and updated at least annually. During a declared emergency, all essential employees will be required to report to work. Any employee classified in a non-essential position who lives or works within the specified region(s) to which the declared emergency applies will not be expected to report to work.

5.12 Military Leave:

5.12.1 Every *FTE, temporary grant, or time-limited* employee of SCDC who is a member of the United States Armed Forces Reserve, including the National Guard, will, upon presentation of a copy of his/her official military orders or appropriate military certification, be entitled to *military* leave *and* efficiency rating for a period not to exceed 120 work hours if on an 8 or 12 hour per day schedule or 112.50 work hours if on a 7.50 hour per day schedule based on the federal fiscal year beginning October 1 and ending September 30. Military leave with pay is for periods where the employee is engaged in annual field training or other active duty for training exercises ordered by the Governor or a Department of the Armed Forces. *Temporary employees are not eligible for paid military leave.*

5.12.2 Saturdays, Sundays, and state holidays will not be included under the provisions of military leave with pay unless the particular Saturday, Sunday, or holiday is a regular work day for the employee.

5.12.3 In the event an employee is called upon to serve during an emergency, s/he will be entitled to a leave of absence with pay (call-up military leave) for a period not to exceed 240 hours for a 40 hour a week employee (8 or 12 hour per day), or not to exceed 225 additional hours for a 37.50 hour a week employee (7.50 hours per day).

5.12.4 In the event an employee is called to active duty as a result of "Operation Enduring Freedom", "Operation Noble Eagle", or in conjunction with a Major Hostility, s/he would be entitled to an additional 240 hours of Military Call-up Leave for a 40 hour a week employee (8 or 12 hours per day) or 225 hours for a 37.50 hour a week employee (7.50 hours per day) for the Federal Fiscal Year.

An employee may also qualify for additional Military Annual Leave up to a maximum of 360 hours for 40 hour a week employee (8 or 12 hours per day) or 337.50 hours for a 37.50 hour a week employee (7.50 hours per day) and additional Military Sick Leave up to the maximum of 720 hours for 40 hour a week employee (8 or 12 hours per day) or 675 hours for a 37.5 hour a week employee (7.5 hour per day) in a Federal Fiscal Year.

If the employee's deployment places them in a combat zone, upon exhausting any Military Annual/Sick Leave, the employee is eligible for an additional 240 hours of Military Combat Zone Leave for a 40 hour a week employee (8 or 12 hours a day) or 225 hours for a 37.50 hour a week employee (7.50 hours per day) for the Federal Fiscal Year.

5.12.5 All official military deployment orders/paperwork must be forwarded to the Division of Human Resources, Payroll and Leave Branch, to determine what leave may be available to an employee.

5.12.6 Employees requesting military leave with pay must complete SCDC Form 16-122, "Employee Notification - Military Leave," in advance, when possible, and submit this form with a copy of his/her orders to their supervisor for approval. NOTE: Military leave for an employee providing official oral or written military orders cannot be denied.

5.12.7 Military leave taken must be reported on SCDC Form 16-2A, "Leave and Attendance Report." A copy of the employee's military orders must be stapled to the back of the 16-2A and submitted to the designated Institutional Human Resources Manager/Liaison or Divisional Liaison by noon on Monday for the previous week for timely keying into SCEIS Central to prevent over payments occurring. An employee authorized to use SCEIS Central must provide official documentation (orders) to their immediate supervisor prior to requesting leave for weekend drill for approval.

5.12.8 An employee who does not provide a copy of his/her official military orders will be placed on leave without pay until military orders are provided.

5.12.9 An employee will be notified in writing by their Institutional Human Resources Manager/Liaison or Divisional Liaison regarding their election of leave and their responsibility to keep SCDC informed of their military status utilizing SCDC 16-122, "Employee Notification - Military Leave."

5.12.10 An employee must complete a Notification of Election Form (PEBA) before leaving for deployment, regardless of a paid or unpaid leave status. This form is available in the PEBA website and is required to ensure the employee's state group benefits are handled appropriately and in accordance with Federal laws during deployment.

5.12.11 An employee and/or the Institutional Human Resources Managers/Liaison or Divisional Liaison must ensure copies of official military orders are submitted to the Division of Human Resources, Payroll and Leave and Benefits branches.

5.13 State Employee Grievances and Appeals Attendance:

5.13.1 When an employee attends, *in an official capacity*, a mediation or mediation-arbitration conference his/her attendance is considered a part of the employee's job assignment.

5.13.2 When an employee appears *as* a witness or in any other official capacity in a hearing before the State Employee Grievance Committee, his/her appearance is considered a part of the employee's job assignment.

5.14 Voting Leave (Election Leave):

5.14.1 An employee who lives at such a distance from his/her assigned work location as to preclude voting outside of working hours may be authorized a maximum of two (2) hours of leave with pay for this purpose. An employee may not be granted *voting* leave to work at the polls during an election. However, an employee may be granted annual leave or leave without pay to work at the polls.

5.14.2 An employee should request *voting* leave *via SCEIS Central* in advance *for approval/disapproval*.

5.15 Workers' Compensation Leave:

If there is an accidental injury arising out of *and in* the course of employment with the State, which is covered under Workers' Compensation, an employee who is not eligible for or who has exhausted his paid administrative leave, shall make an election to use either earned leave time (*sick or annual or both*) or Workers' Compensation *benefits awarded in accordance with Title 42 of the South Carolina Code of Laws*.

5.15.1 The employee shall make an election under one of the following options:

- To use sick leave, annual leave, or both. When earned leave is exhausted before the employee can return to work, the employee shall be entitled to Workers' Compensation benefits at the time leave is exhausted;
- To use Workers' Compensation benefits in accordance with Title 42 of the South Carolina Code of Laws, *as amended or*;
- To use sick leave, annual leave, or both on prorated basis in conjunction with Workers' Compensation benefits according to the formula approved by the *South Carolina Department of Administration*.

5.15.2 Before the election is made, the effect of each available option on the employee's future leave earnings must be explained to the employee *by Institutional Environmental Health Safety Officer (EHSO) or designee from the Division of Safety, Fire, and Workers Compensation Branch*. The injured worker and the employee explaining the effect of each option must complete and sign SCDC Form 16-39, "Election Statement." The election of the employee is irrevocable as to each individual incident.

5.15.3 Regardless of which option an employee elects, s/he would continue to be eligible for payment of medical costs provided by the State Accident Fund.

5.15.4 **Holidays** - See Section 1.9 for the impact of each option as it relates to holiday time.

5.16 Paid Parental Leave (PPL):

*Section 8-11-150 (A) and Section *-11-155 of the South Carolina Code of Laws provides six (6) weeks or two (2) weeks of paid parental leave upon the occurrence of a qualifying event to the employees who occupy all or part of a full-time equivalent position. Employees in temporary, temporary grant, time-limited, research grant, and all other non-FTE positions are not eligible.*

Definitions

Child: A newborn biological child or foster of a child in state custody and under the age of eighteen or a child initially legally placed for adoption and under the age of eighteen. No child can have more than two parents eligible for paid parental leave.

Eligible State Employee: An employee occupying any percentage of a full-time equivalent (FTE) position as of the date of the qualifying event. Employees in temporary, temporary grant, time-limited, research grant, and all other non-FTE positions are not eligible for PPL.

Paid Parental Leave (PPL): Six weeks of paid leave at one hundred percent of the eligible state employee's base pay or two weeks of paid leave at one hundred percent of the eligible state employee's base pay. Leave for part-time eligible state employees must be on a prorated basis corresponding to the percentage of hours they are normally scheduled to work.

Parent/Co-Parent: The biological, adoptive, or foster parent of a child.

Qualifying Event: The birth of a newborn biological child to an eligible state employee, or after a co-parent's birth of a newborn child, or fostering a child in state custody, or the initial legal placement of a child by adoption. To qualify for PPL, the adoption, birth, or foster care placement must occur on or after October 1, 2022.

5.16.1 An eligible state employee shall receive no more than one occurrence of six or two weeks of PPL for any twelve-month period, even if more than one qualifying event occurs.

5.16.2 Regardless of the qualifying event (adoption, birth, or foster care placement), the entitlement to PPL expires at the end of the twelve-month period beginning on the date of the qualifying event. If the

leave is not used by the eligible state employee before the end of the twelve-month period after the birth, adoption, or foster placement, the leave does not accumulate for subsequent use.

5.16.3 Any leave remaining at the end of the twelve-month period or at separation of employment is forfeited and the employee is not paid out for the leave. PPL may not be donated.

5.16.4 Employees do not have to exhaust all other forms of leave before being eligible to take PPL.

5.16.5 If both parents are eligible state employees, PPL may be taken concurrently, consecutively, or at a different time than the other eligible state employee. No child may have more than two parents eligible for PPL.

5.16.6 If an employee requires leave before the birth, adoption, or foster care placement due to medical reasons or to fulfill legal obligations, other available leave balances shall be utilized per the agency's leave policy. PPL may not be used before the qualifying event.

5.16.7 PPL is paid at one hundred percent of the eligible state employee's base pay. This does not include any additional pay, such as overtime, supplements, bonuses, longevity pay, temporary salary adjustments, shift differential pay, on-call pay, call back pay, special assignment pay, or market or geographic differential pay.

5.16.8 PPL must run concurrently with leave taken pursuant to the Family Medical and Leave Act (FMLA) and any other unpaid leave to which the eligible state employee may be entitled as a result of the qualifying event.

5.16.9 Employees must submit the requested required documentation to receive PPL within thirty (30) days of the birth, adoption, or foster care placement or as soon as is practical after the documentation becomes available. Upon receiving a request for PPL and required documentation following the birth or placement of a child, the agency will notify the employee of their eligibility status within five (5) business days or as soon as is practical. Employees may be permitted to begin PPL following the qualifying event and pending receipt of this documentation. However, if the required documentation is not provided within thirty (30) days of the event, the employee will be required to substitute all other paid leave available and, if sufficient leave is not available, will be placed on leave without pay for the period they were absent from work. Please note the documentation required related to FMLA leave is governed by the FMLA. While the request for PPL and the paperwork related to FMLA leave require some of the same information, the PPL request and FMLA paperwork are separate documents.

5.16.10 An employee may withdraw their request for PPL at any time prior to the start of the PPL. However, an employee on FMLA leave may not use leave without pay if PPL is available. The request to withdraw the request must be submitted in writing.

5.17 Types of Accommodations:

5.17.1 Pregnancy: SCDC will provide reasonable accommodations to employees and applicants for medical needs that arise from pregnancy, childbirth, or medical conditions related to pregnancy or childbirth to include postpartum depression.

5.17.2 Nursing Mother Requiring Break to Express Milk (Lactation)

5.17.2.1 An employee who has given birth to a child may request utilizing SCDC Form 16-135, "Acknowledgement of Pregnancy Accommodation Act and Lactation Support Act," through their supervisor and the Institutional Human Resources Manager/Liaison or Divisional Liaison an accommodation to express milk for their nursing child. The employee must notify their supervisor and the Institutional Human Resources Manager/Liaison or Divisional Liaison in writing, and in advance of the following: Child's name, date of birth, date accommodation is requested, duration of

the request and the number of breaks needed during the course of the work day to express milk. Upon receipt of the request by the **Institutional** Human Resources Manager/Liaison or Divisional Liaison, the employee will be notified of a location (other than a bathroom) that is a clean environment, private, shielded from view and free from intrusion from co-workers and the public, which may be used to express breast milk.

An employee requesting breaks to express milk should use annual **leave**, holiday comp or comp time for breaks to express milk or if the work schedule permits, the employee may be allowed to flex their hours for the time away from the job.

6. DISCREPANCIES IN LEAVE REPORT:

Any discrepancies/errors detected by an employee in **their time or leave should** be directed (via memorandum, telephone, or corrected copy of the SCDC Form 16-2A) to his/her designated **Institutional** Human Resources Manager/Liaison, **Divisional Liaison** or to the Division of Human Resources. **Once the Institutional Human Resources Manager or /Divisional Liaison confirms that the information in the system is incorrect, the Institutional Human Resources Manager/Liaison or Divisional Liaison is to take corrective steps to ensure information is accurate and correct in the system. Incorrect reporting of time/leave and corrections made to an employee's time/leave may result in an over/under payment to an employee. If an overpayment occurs and a correction is made, the overpaid wages will be collected immediately from an employee's payroll check. The immediate supervisor or Institutional Human Resources Manager/Liaison or Divisional Liaison must communicate immediately with the affected employee should a correction be made to an employee's time/leave and alert them that their paycheck may be impacted.**

7. USERS OF SCEIS CENTRAL: *Employees requesting leave via SCEIS Central should request leave in a timely manner and ensure requested leave is approval prior to taking to prevent the possibility of unapproved leave. Working time is captured via electronic timekeeping, however, any unauthorized overtime must be adjusted by the immediate supervisor with the completion of SCDC Form 16-2A, "Leave and Attendance Report." If there is abuse of electronic timekeeping creating unauthorized overtime, it could result in corrective action, up to termination.*

8. ACCOUNTABLE HOURS: *All employees of the Agency are responsible and accountable for ensuring they account for their required number of work hours per week based on their work schedule rule and Fair Labor Standards Act (FLSA) work week. Supervisors are responsible for reviewing and approving/rejecting time/leave for an employee in a timely manner.*

8.1 *Employees are to be notified by the Institutional Human Resources Manager/Liaison or Divisional Liaison of their requirement as defined in #8 above at the time of hire and/or when they move from one position to another.*

9. AUDITING OF LEAVE FILES:

9.1 *Employees leaving the agency (termination, resignation, retirement) must have their leave files audited by the Human Resources Manager/Liaison or Divisional Liaison before submitting the Personnel Advise Form and official files to the Division of Human Resources.*

9.2 *A signed leave statement by the employee/supervisor must be placed in the leave file at least semi-annually (June and December) indicating the leave information is accurate and correct; and that supportive documentation is in the file, i.e. funeral leave, court leave, military leave, return to work statements, etc.*

9.3 *Upon termination, resignation or retirement, if there is no signed leave statement it is the Institutional Human Resource Manager/Liaison or Divisional Liaison's responsibility to audit the leave file for the current year and two (2) years prior to ensure accurate reporting of the time/leave for the employee ceasing employment.*

10. DEFINITIONS: The following definitions are applicable throughout this policy. Please note, however, that other definitions pertinent only to specific sections of this policy are included throughout the text of the same.

Administrative Leave refers to administrative leave with pay, commonly referred to as Assault Leave, provided to any probationary or permanent full-time employee who is physically attacked while in the performance of official duties and suffer bodily harm as a result of the attack.

Annual Leave refers to time accrued and granted to full-time and part-time employees for personal use. (Refer to Section 19-709 of the State Human Resources Regulations for additional information.)

Family and Medical Leave Act (FMLA) refers to a federally mandated regulation which allows eligible state employees who are experiencing a serious health condition or the birth or adoption of a child, or who must care for a spouse or immediate family member with a serious health condition, 12 weeks of leave with or without pay every calendar year under certain qualifying conditions without loss of their employment. The 12 weeks may be taken in intervals, which means in blocks of time, or by reducing an employee's weekly or daily work schedule. *Eligible state employees can also request leave through the act for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or called to covered active duty status. Up to 26 weeks of FMLA could be applied for by an eligible employee to care for a spouse, son, daughter, or parent, or next kin of the service member, as military caregiver leave.*

Family Sick Leave Refers to an employee caring for an ill member of their immediate family. Family Sick Leave is deducted from an employee's sick leave balance.

Full Time refers to a position appropriated by the General Assembly with work hours of 37.50 or more per week.

Death in Immediate Family Leave refers to leave with pay provided to employees who have a death in their immediate family as defined in this policy. (See Section 19-712.01, State Human Resources Regulations, for additional information.)

Hazardous Weather and Emergency Leave refers to time allowed to SCDC employees occupying non-essential positions to be absent or report to work late in the event of hazardous weather or emergency conditions that would expose state employees to harmful or unsafe conditions. Hazardous weather and emergency leave must be declared by the Governor.

Holiday Leave refers to those occasions when all SCDC employees are (with the exception of temporary hourly employees) allowed to observe with pay state-approved holidays.

Hours of Work refers to hours on the job in which the employee is performing some aspect of his/her duties or responsibilities and, in general, includes all time an employee is required to be on duty to include overtime hours for which an employee must be compensated. (4-ACRS-7E-07, 4-ACRS-7E-09, 4-4048, 4-4065)

Court Duty Leave refers to leave with pay provided to SCDC employees who are called upon to serve as jurors or witnesses in court cases. (See Section 19-712.01 of the State Human Resources Regulations for additional information.)

Leave Transfer Program refers to a program in which employees of the SCDC may donate accrued annual and/or sick leave to the Annual or Sick Leave Transfer Pool or may request to be a recipient of such leave in accordance with Agency and State Human Resources guidelines.

Military Leave With Pay refers to paid leave for the purpose of short-term military training for those employees who are members of the United States Armed Forces Reserves, including the National Guard.

Military Leave Without Pay refers to leave without pay granted to every employee who has enlisted in, been selected for, or been commissioned for service in the Armed Forces of the United States beginning with the date

of induction and ending 90 calendar days after date of separation (but for a period of no greater than five (5) years) from military service while being entitled to retain all seniority and efficiency and register rating.

Part Time refers to a position appropriated by the General Assembly with work hours of less than 37.5 hours per week.

Paid Parental Leave (PPL) refers to six weeks of paid leave at one hundred percent of the eligible state employee's base pay or two weeks of paid leave at one hundred percent of the eligible state employee's base pay. Leave for part-time eligible state employees must be on a prorated basis corresponding to the percentage of hours they are normally scheduled to work.

Sick Leave refers to time accrued and granted to full-time and part-time employees (who are in permanent pay status and are scheduled to work at least one-half of the work days of the month on a 12-month basis) for personal or relative illness. (See Section 19-710 of the State Human Resources Regulations for additional information.)

Temporary Employee refers to a full-time or part-time employee who does not occupy a full-time equivalent (FTE) position, or whose employment is not to exceed one (1) year and who is not a permanent employee.

Temporary Grant Employee refers to a full-time or part-time employee who does not occupy a full-time equivalent (FTE) position and whose employment and benefits are contingent upon the stipulations specified in the grant.

Voting Leave refers to a maximum of two (2) hours leave with pay provided for employees occupying permanent positions within the SCDC living at such distance from their work location that it would preclude voting outside of their working hours.

SIGNATURE ON FILE

s/Bryan P. Stirling, Director

Date of Signature

ORIGINAL SIGNED COPY MAINTAINED IN THE OFFICE OF POLICY DEVELOPMENT.