

ADMINISTRATIVE DIVISION HR Division of Human Resources		POLICY NUMBER HR 1.09	
POLICY TITLE Other Leave with Pay			
SCOPE OF POLICY USC System		DATE OF REVISION October 13, 2022	
RESPONSIBLE OFFICER Vice President for Human Resources		ADMINISTRATIVE OFFICE Division of Human Resources	

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PURPOSE

This policy sets forth guidelines on paid leave programs other than annual leave, sick leave and holidays for leave eligible employees of the university.

DEFINITIONS AND ACRONYMS

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

POLICY STATEMENT

This document describes the University of South Carolina policy on paid leave programs, other than annual leave, sick leave and holidays (i.e., court, death in immediate family, military, voting, bone marrow donation, organ donation) for leave eligible employees, pursuant to regulations of the South Carolina Division of Human Resources. Temporary employees, research grant and time-limited employees who earn neither annual nor sick leave, and student employees are not leave eligible. However, certain provisions apply to all employees and will be noted as applicable to non-leave earning employees as necessary.

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

Other Paid Leave Types

A. Administrative Leave with Pay

1. Employees who are physically attacked while in the performance of official duties and who suffer bodily harm as a result of the attack will be placed on administrative leave with pay rather than sick leave.
2. The period of administrative leave for each incident may not exceed 180 calendar days.
3. Denial of the use of this leave by the university for employees in FTE positions will be grounds for review by the Division of State Human Resources (DSHR) upon request of the employee. Administrative review by DSHR will be final.

B. Adoption Leave- see policy [HR 1.08 Paid Parental Leave](#)

C. American Red Cross Certified Disaster Service

1. A [state](#) employee who is a certified disaster service volunteer for the American Red Cross may use up to 10 days of paid leave in a calendar year to participate in specialized disaster relief services with the approval of the Vice President of Human Resources or designee.

D. Blood Drives and Blood Donation

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

E. Bone Marrow Donor Donation

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

3.4. Pursuant to Section 44-43-80 of the South Carolina Code of Laws, as amended, all employees are covered under this section.

F. Court Leave

1. Jury Duty

- a. An employee summoned as a member of a jury will be granted court leave with pay. Any jury fees and/or travel payments shall be retained by the employee.
- b. An employee who is excused from jury duty and is not required to be at court during the hours of the employee's workday is required to return to the job according to arrangements between the employee and the university designee. The employee must be on authorized leave for any time they are excused from jury duty and does not return to work.
- c. An employee on jury duty will be required to work on any given day only the number of hours of the employee's normal work schedule, minus the hours required to be at court.

2. Subpoenaed As a Witness

- a. When an employee is subpoenaed as a witness and will not receive any personal gain from the outcome of litigation, they will be entitled to court leave with pay for those hours required for the subpoena and may retain any witness fee and/or travel expense.
- b. When an employee is subpoenaed to represent the university as a witness or defendant, the employee's appearance is considered a part of the employee's job work time. The employee will be reimbursed for any meals, lodging and travel expenses according to university policy.
- c. When an employee attends, in an official capacity, a mediation or mediation- arbitration conference, the employee's attendance is considered part of the employee's job.
- d. When an employee appears as a witness or in any other official capacity in a

hearing before the University Grievance Committee or the State Employee Grievance Committee, the employee's appearance is considered part of the employee's job.

3. Order of Protection

An employee, who is a victim of or witness to a crime and must attend court in relation to the case or in order to obtain an Order of Protection or restraining order, shall receive court leave with pay.

4. Personal Litigation

An employee engaged in personal litigation is not eligible for court leave, but may use accrued annual leave or request supervisor approval for leave without pay.

G. Death in the Immediate Family

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

H. Educational Leave

1. Educational leave provides employees the opportunity to further their education and aids in the facilitation of potential opportunities for advancement with the university.
2. An employee is encouraged to schedule classes during off-duty hours whenever possible. When a class cannot be scheduled during off-duty hours, the department may adjust the employee's work schedule if doing so will not interfere with normal efficient operations of the department. Work schedule changes must comply with requirements of the university timekeeping system.

3. When a class cannot be scheduled during off-duty hours and the department cannot feasibly adjust the work schedule of the employee, the employee may be allowed to take annual leave or may be granted leave without pay with prior supervisor approval in order to attend classes.
4. This leave does not affect sabbatical leave for teaching personnel and officials of academic rank.

I. Extended Disability Leave

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

J. Family and Medical Leave Act (FMLA) - see policy [HR 1.07 Family and Medical Leave](#)

K. Hazardous Weather and Emergency Leave - see policy [HR 1.18 Hazardous Weather and Emergency Leave](#)

L. Military Leave - cross reference policy [HR 1.07 Family and Medical Leave](#)

1. Short-Term Military Training

- a. All officers and employees of the state of South Carolina or a political subdivision of the state of South Carolina, who are either enlisted or commissioned members of the South Carolina National Guard, the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, or the United States Coast Guard Reserve, are entitled to leaves of absence from their respective duties without loss of pay, time, or efficiency rating, for one or more periods not exceeding an aggregate of 15 regularly scheduled ~~average~~ workdays in any federal fiscal year during which they may be engaged in training or any other duties ordered by the Governor, the Department of Defense, the Department of the Army, the Department of the Air Force, the Department of the Navy, the Department of the Treasury, or any other department or agency of the government of the United States having authority to issue lawful orders requiring military service. In the event any such person is called upon to serve during an emergency, they are entitled to such leave of absence for a period not exceeding 30 additional days.

- b. A state employee in a full-time position who serves on active duty in a combat zone and who has exhausted all available leave for military purposes is entitled to receive up to thirty additional work-days of military leave in any one federal fiscal year.
- c. Saturdays, Sundays, and state holidays shall not be included in the 15-day aggregate unless that particular day to be included is a regularly scheduled workday for the employee involved.
- d. Leave for military training in excess of 15 workdays in a federal fiscal year may, at the discretion of the employee, be charged against accrued annual leave. If annual leave has been exhausted, or if the employee elects not to use annual leave, the absence will be charged as a leave of absence (leave without pay).

2. Long Term Military Leave of Absence

- a. Every employee of the state of South Carolina or any political subdivision thereof who, has been, or shall be commissioned, enlisted, or selected for service in the Armed Forces of the United States (excluding short term training) shall, so long as the requirements and regulations of the Armed Forces shall prevent his/her return to civil employment for a period of 90 days thereafter, but in no event for a period longer than five years from the date of entry into the Armed Forces of the United States, be entitled to leave of absence from his/her duties as an employee of the State or any political subdivision thereof, without loss of seniority or efficiency or register ratings.
- b. The word “employee” as used herein shall not be construed to mean an officer or official elected or appointed to a term pursuant to a statute or the constitution of this state.

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

N. State Employee Grievances and Appeals Attendance- refer to Division of State Human Resources Regulation 19-712.01 F.4.c. and d.

O. Voting Leave

- 1. The university has the discretion to authorize employees up to two hours of leave with pay for extenuating circumstances that prohibit employees from voting when the polls are open. For example, when an employee is scheduled to work a twelve-hour shift on election day or is assigned to a work location too far away from the employee’s residence as to ~~An employee who lives at such distance from the assigned work location as to~~ preclude voting outside of working hours. ~~may be authorized a maximum of two hours of leave with pay for this purpose.~~ To work at the polls during elections, an employee must be on authorized leave with or without pay.
- 2. Employees are encouraged to vote either before or after work. However, supervisors, while ensuring proper coverage in the workplace, should be flexible with employees so that employees can exercise their right to vote.

P. Worker's Compensation Leave — see policy [HR 1.66 Worker's Compensation](#)

Q. Organ Donor Leave

All employees of the university who wish to be an organ donor and who accrue annual or sick leave as part of their employment are entitled to leaves of absence from their respective duties without loss of pay, time, leave, or efficiency rating for one or more periods not exceeding an aggregate of 30 regularly scheduled workdays in any one calendar year during which they may engage in the donation of their organs. Saturdays, Sundays, and state holidays may not be included in the 30-day aggregate unless the particular Saturday, Sunday, or holiday to be included is a regularly scheduled workday for the employee.

R. Volunteer Work

Time spent as a volunteer is not included in hours worked. An employee who performs any hours of service for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered, is considered to be a volunteer during such hours. An employee shall not be considered a volunteer if the employee is otherwise employed by the same public agency to perform the same type of services as those for which the employee proposed to volunteer. An employee may be paid expenses, reasonable benefits, a nominal fee, or any combinations thereof, for their service without losing status as volunteers. Determining if the receipt of expenses, benefits or fees would result in loss of volunteer status is a case-by-case analysis based on the total amount of expenses, benefits, and fees in the context of the economic realities of the situation.

PROCEDURES

Requesting Leave

A. American Red Cross Certified Disaster Service

1. A request must be submitted to and reviewed by the employee's supervisor for approval/denial.
2. An employee who is a certified disaster service volunteer for the American Red Cross should request this leave as far in advance as possible.
3. A copy of the official notice requiring service should be attached to the request for leave.

B. Blood Drive and Blood Donation

1. A request must be submitted to and reviewed by the employee's supervisor for approval/denial.
2. An employee requesting leave to donate blood should request the leave as far in advance as possible.

3. The department may require the employee to provide documentation of the donation.

C. Bone Marrow Donations

1. A request must be submitted to and reviewed by the Division of Human Resources for approval/denial.
2. An employee requesting leave as a result of the bone marrow donor program must attach verification by a health care practitioner of the purpose and length of the request.

D. Organ Donor

1. A request must be submitted to and reviewed by the Division of Human Resources for approval/denial.
2. An employee requesting leave as a result of the organ donor program must attach documentation from the attending physician of the proposed organ donation before leave is approved that confirms that the employee is the donor.

E. Court

1. A request must be submitted to and reviewed by the employee's supervisor for approval/denial.
2. Upon receipt of a summons or subpoena, the employee must provide a copy of the document in the request to the supervisor and provide as much information as is known about expected absences related to service as a juror or witness.

F. Death in the Immediate Family

1. A request must be submitted to and reviewed by the employee's supervisor for approval/denial.
2. The request must include the name of the deceased and the relationship of the deceased to the employee.

G. Extended Disability Leave

1. A request must be submitted to and approved by the Division of Human Resources for approval/denial.

2. The request must provide certification from the health care provider to include:
 - a. the date on which the disability commenced
 - b. the probable duration of the condition and a probable return date, and
 - c. appropriate medical facts within the knowledge of the health care provider regarding the condition and any work limitations.

Dates set forth in the health care provider's certificate may be amended.

The university may require additional documentation from the health care provider issuing the certification or may secure additional medical opinions from other health care providers. If an employee's health care provider or the employee identifies a disability as long-term, the university may encourage the employee to contact the Public Employee Benefit Authority (PEBA) to evaluate eligibility for any appropriate benefits.

H. Military Leave

1. A request must be submitted to and reviewed by the Division of Human Resources for approval/denial.
2. The employee must submit the request as far in advance as possible and must attach a copy of the official military orders or appropriate military certification documentation.

I. Voting Leave

1. A request must be submitted to and reviewed by the employee's supervisor for approval/denial.
2. The employee may be required to attach a statement that provides the employee's voting location.

J. Administrative Leave With Pay

1. A request must be submitted to and reviewed by the Division of Human Resources for approval/denial.
2. The employee must attach appropriate documentation to support the request.

Reporting Leave

All leave taken pursuant to this policy must be reported through the university's time keeping system.

RELATED UNIVERSITY, STATE AND FEDERAL POLICIES

[Americans with Disabilities Act \(ADA\)](#)

Americans with Disabilities Act Amendments (ADAAA)

[Division of State Human Resources 19-712.01](#)

[HR 1.03 Annual Leave](#)

[HR 1.06 Sick Leave](#)

[HR 1.07 Family and Medical Leave](#)

[HR 1.08 Paid Parental Leave](#)

[HR 1.12 Leave of Absence \(Leave Without Pay\)](#)

[HR 1.18 Hazardous Weather and Emergency Leave](#)

[HR 1.66 Worker's Compensation Leave](#)

HISTORY OF REVISIONS

DATE OF REVISION	REASON FOR REVISION
July 26, 2021	Updated to new format. Inclusion of paid educational leave and extended disability leave. Modifications to procedures as a result of new absence management and time reporting system.
October 13, 2022	Added Paid Parental Leave policy and changed reference for Adoption Leave
<u>XXX</u>	<u>Updated to comply with the new State Human Resources Regulations.</u>