

ADMINISTRATIVE DIVISION HR Division of Human Resources		POLICY NUMBER HR 1.06
POLICY TITLE Sick Leave		
SCOPE OF POLICY All Campuses	DATE OF REVISION <u>October 1, 2022</u>	
RESPONSIBLE OFFICER Vice President for Human Resources	ADMINISTRATIVE OFFICE Division of Human Resources	

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PURPOSE

This document sets forth the University of South Carolina's Sick Leave Policy for all employees who earn sick leave, pursuant to the regulations of the South Carolina Division of State Human Resources.

DEFINITIONS AND ACRONYMS

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

Full-Time Equivalent (FTE): A position authorized by the General Assembly which is expressed as a numerical value as a percentage of time in hours and of funds.

Break in Service - ~~an interruption of continuous State service.~~ An employee experiences a break in State service when the employee either (1) separates from State service; (2) moves from one State agency to another and is not employed by the receiving agency within 15 calendar days following the last day worked (or approved day of leave at the transferring agency); (3) remains on leave for a period of more than 12 months; (4) separates from State service as a result of a reduction in force and is not recalled to the original position or reinstated with State government within 12 months of the effective date of the separation; ~~(5) involuntarily separates from State service and the agency's decision is upheld by the State Employee Grievance Committee or by the courts;~~ or ~~(5) moves from a full-time equivalent (FTE) position to a temporary, temporary grant, or time-limited position.~~

POLICY STATEMENT

Sick leave is granted to help employees through periods of illness.

Sick leave will be earned by and granted to full time and part-time employees in FTE positions who are:

- Scheduled to work at least one-half the workweek on a 12-month basis or
- Scheduled to work the equivalent of at least one-half the workweek during the full academic year of nine months or more.

Research Grant and Time Limited Positions may be eligible for sick leave depending on the stipulations of the funding source and the terms of the position as established at time of hire. Policy [HR 1.85, Research Grant or Time Limited Positions](#) provides additional information regarding leave eligibility, calculation of the leave accrual date and the transfer of sick leave for Research Grant and Time Limited employees. However, the transfer of sick leave from a Research Grant or Time-Limited position to an FTE and vice versa is addressed within this policy-as-well. See Transfer of Leave below.

Research Grant and Time-Limited employees are not eligible for Paid Parental Leave and they do not have standing to request review by the director of the Division of State Human Resources of the denial of use of sick leave.

University Faculty should refer to the appropriate Faculty Manual for additional details.

Absences which exceed three consecutive workdays (with or without pay) may require a health care provider's statement prior to returning to work.

Leave taken under this policy may qualify as Family and Medical Leave Act (FMLA) leave and, if so, will run concurrently.

The sick leave policy will be applied in an equitable manner to all eligible employees.

PROCEDURES

A. Responsibility for Administration

1. Supervisors are responsible for sick leave authorization, verification, and for ensuring that leave and attendance are recorded accurately.
 - a. The use of sick leave is subject to verification, to include instances of suspected sick leave abuse or policy violations. The verification by a supervisor or manager will consist of a health care provider's statement of the projected and/or actual time that is subject to being missed from work. It will not include medical diagnosis or details related to the medical condition, which can be confirmed, if necessary, by the Division of Human Resources.
 - b. Supervisors should notify the departmental Leave Administrator of any absence from work for more than three consecutive days (with or without

pay) due to the employee's own illness or the illness of a qualified family member (as defined under the FMLA). The absence may be covered under the FMLA. This notification can be provided by the employee, supervisor or Human Resources Contact. Refer to policy [HR 1.07 Family and Medical Leave](#) for more details.

2. Human Resource Contacts are responsible for assisting with the application of sick leave policies and ensuring guidelines are followed.
3. The Division of Human Resources is responsible for sick leave policy interpretation and administration to include FMLA and Extended Disability approval, medical verification of leave, leave pool and leave advancement requests. Medical verification includes confirming any medical diagnosis or details related to medical conditions being claimed.

B. Leave Records

1. The university maintains leave records for each employee covered under the Sick Leave policy. Leave records are subject to audit.
2. The leave balance of each eligible employee is available in Employee Self Service.

C. Sick Leave Earnings

1. Crediting of Sick Leave

- a. Employees who are in a pay status one-half or more of the workdays of the month shall earn sick leave for the full month. Employees in pay status for less than one-half of the workdays of the month will not earn sick leave for that month.
- b. Employees will earn sick leave while on sick leave, annual leave, or other authorized leave with pay.
- c. Employees' sick leave earnings are computed based on the number of hours in the employee's workday.

2. Rate of Earnings

All employees in sick leave earning positions shall earn sick leave beginning with the date of employment at the rate of 1¼ workdays per month of service or 15 days per year. To determine the number of hours in a workday, divide the total number of hours an employee is regularly scheduled to work during a week by five (regardless of the number of days the employee actually reported to work).

Examples of such schedules include:

- a. Law enforcement employees who are regularly scheduled to work 42 hours per week. Forty-two hours divided by five equals a workday of 8.4 hours;
- b. Part-time employees who are regularly scheduled to work 20 hours per week. Twenty hours divided by five equals a workday of four hours; or
- c. Full-time employees who are regularly scheduled to work 39 hours per week. Thirty-nine hours divided by five equals a workday of 7.8 hours.

3. Maximum Accrual and Carryover

Full-time and part-time employees in sick leave earning positions will be permitted to earn up to a maximum of 15 sick leave days in a calendar year and accrue up to 195 workdays during the calendar year. They may carryover from one calendar year to the next any unused sick leave up to a maximum carryover of 180 days.

Exceptions:

~~a. Any employee, who prior to January 1, 1969, accrued and carried over unused sick leave in excess of 180 days, pursuant to the then existing policy of any State covered entity, will not lose the excess leave, but will retain that amount of leave which will then become the maximum amount the employee may carry over into future years. If the employee subsequently reduces the amount of sick leave carried over to 180 days or less, 180 days will become the maximum amount of unused sick leave that the employee may carry over thereafter.~~

b.a. An employee who changes from being full-time to part-time or from part-time to full-time without a break in service, shall retain the sick leave hours previously earned. If this change results in the employee having a maximum sick leave accumulation in excess of 180 days, as of the effective date of the change, the employee shall not forfeit the excess. The employee shall retain this excess sick leave which shall be the maximum amount the employee may carry over into future years. If the employee subsequently reduces the amount of sick leave carried over to 180 workdays or less, 180 workdays shall become the maximum amount of unused sick leave the employee may carryover thereafter.

4. Granting of Additional Sick Leave

In extenuating circumstances, ~~in the event an illness extends beyond available sick and annual leave~~, the Vice President of Human Resources or the Vice President's designee may, upon the approval of the department, advance up to 15 days of

additional sick leave to the employee if they have exhausted all sick, annual and compensatory leave. Only one approved request may be outstanding at any given time.

Sick leave may be advanced only if documentation from a licensed health care provider indicates that the employee is expected to return to work within the 15-day time period for which sick leave is being advanced. If no medical prognosis is available and/or an estimated return to work date is not determined, or is greater than 15 days, the employee must exercise some other form of leave or be placed in leave without pay status.

Upon return to work, the employee will have all earned sick leave applied to the leave deficit at the rate of 1¼ days per month (or if part-time, the monthly earning rate) until the deficit has been eliminated.

If an employee separates from employment before satisfying the sick leave deficit, and later returns to employment with the State, the leave deficit will need to be satisfied upon re-employment.

D. Usage and Charging Sick Leave

Reasons an employee will be allowed to use sick leave are as follows:

1. Personal illness, ~~or~~ injury, or disability that incapacitates the employee from performing the duties of the position. Note: In accordance with Section 8-11-110 of the South Carolina Code of Laws which recognizes alcoholism as a treatable illness, sick leave will be granted for the purpose of participating in public or private treatment and rehabilitation programs which have been approved by the South Carolina Department of Mental Health.
2. Exposure to or infection with contagious disease such that the employee's presence on duty could endanger the health of others, including fellow employees and/or students.
3. Appointment for medical or dental examination or treatment when the appointment cannot reasonably be scheduled during non-work hours (To the degree possible, examination appointments must be approved in advance by the authorized supervisor).
4. Sickness and recovery related to pregnancy or other temporary medical disabilities on the basis of professional medical opinion that the employee is physically incapable of performing primary duties, or that continuing to perform those duties would be hazardous to the health and/or safety of the employee's medical status. For more information refer to policy HR 1.08 Paid Parental Leave.

~~5. Treatment of alcoholism or alcohol abuse by the employee for the purpose of participating in public and/or private treatment and rehabilitation programs~~

~~which have been approved by the South Carolina Department of Mental Health.~~

~~6.5.~~ Employees earning sick leave may use up to 10 days of sick leave within a calendar year to care for their immediate family during their illnesses. For the purpose of this policy, “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.

E. Use of sick leave shall be calculated in actual time.

In qualifying sick leave situations, the employee will use all applicable sick leave before going on leave without pay unless the Vice President of Human Resources or their designee, upon the recommendation of the department, grants an exception at the employee’s request.

When a holiday is observed by the university while an employee is using sick leave, that day will be considered a holiday and will not be charged as a day of sick leave for the employee.

F. Disposition of Sick Leave

Transfer of Earned-Leave

1. Between State Agencies

~~Employees who transfer without a break in service from one State covered entity to another will transfer their earned and accumulated sick leave adjusted to the scheduled work week of the gaining agency.~~

- a) An employee who moves from an FTE position to an FTE position within 15 calendar days (or on approved leave days) from the transferring agency shall transfer their sick leave.
- b) An employee who moves from a ~~R~~research ~~G~~grant or ~~T~~time-~~L~~limited position to an FTE position within 15 calendar days (or on ~~annual~~approved leave days) from the transferring agency shall transfer their sick leave.
- a)c) An employee who moves from an FTE position to a ~~R~~research ~~G~~grant or ~~T~~time-~~L~~limited position within 15 calendar days (or on approved leave days) from the transferring agency shall not transfer their sick leave.

~~In the case of an employee transferring from an agency or school district under whose system the employee had, prior to January 1, 1969, a maximum accumulation in excess of that currently authorized by the gaining agency, the total sick leave accumulated will be transferred. If the employee subsequently reduces the amount of sick leave carried over to 180 days or less, 180 workdays will become the maximum amount of unused sick leave the employee may carryover thereafter.~~

2. Between a State Agency and School District

An employee of a State-covered entity transferring to a school district of the State or a school district employee transferring to a State-covered entity is permitted to transfer to and retain at the new employer all sick leave earned at the former employer regardless of employment status at the new employer.

3. Organizational Reassignment

When an employee moves from one campus or organizational unit of the university to another without a break in service, accumulated sick leave will be transferred with the employee.

Note: Employees moving from an ~~Full-time~~ FTE position to a Research Grant Position or ~~Time-Limited~~ Position will be considered to have a break-in-service and all unused sick leave will be forfeited.

4. Moving from One Position Type to Another

- a. Full-time employees in FTE positions who are reassigned to another full-time FTE position are entitled to retain the equivalent number of days of accrued sick leave.
- b. When an employee in an FTE position moves to another position in the university that has a different workday, the employee's sick leave at the previous department shall be converted to the equivalent days of sick leave at the receiving department.
- c. Full-time employees in FTE positions who are moved or reassigned to a part-time FTE position and are scheduled to work at least one half the workweek in that part-time position are entitled to retain their total number of days of accrued sick leave; however, the employee may not earn in excess of 180 days (unless there is an exception applicable, as listed in Section 3B of this policy) after the effective date of the move or reassignment. If the total amount of accrued sick leave is in excess 180 days at the time of the move or reassignment, sick leave taken will be deducted from the total until the balance is reduced to 180 days or less, after which the employee will be eligible to accrue sick leave but not to exceed 180 days.
- d. Full-time employees in FTE positions who are moved or reassigned to less than half-time positions are entitled to retain their total number of days of sick leave, however, after the effective date of the move or reassignment, those employees may not accrue additional sick leave. Sick leave taken will be deducted from sick leave balance as of the date of move or reassignment until the leave has been exhausted.

- d) An employee who moves from an FTE position to an FTE position within 15 calendar days (or on approved leave days) shall transfer their sick leave.
- e) An employee who moves from a ~~R~~research ~~G~~grant or ~~T~~time-~~L~~limited position to an FTE position within 15 calendar days (or on approved ~~annual~~ leave days) shall transfer their sick leave.
- f) An employee who moves from an FTE position to a ~~R~~research ~~G~~grant or ~~T~~time-~~L~~limited position within 15 calendar days (or on approved leave days) shall not transfer their sick leave.

G. Separation from Employment or Break-in-Service

1. For employees hired prior to July 1, 2012, an employee separating from employment as a result of retirement may receive service credit for no more than 90 days of unused sick leave at no cost to the employee, provided he/she is qualified for this based on South Carolina Public Employee Benefit Authority

(PEBA) Retirement guidelines. The leave must be credited at a rate where 20 days of unused sick leave equals one month of service. This additional service credit may not be used to qualify for retirement.

2. An employee who separates from employment or experiences a break-in-service as described in policy [HR 1.57 Separation from University Service](#) will forfeit all sick leave. The sick leave may not be reinstated, and the employee may not be compensated for the forfeited sick leave. However, in the event of a termination resulting from a Reduction- In-Force (RIF), employees who are recalled or reinstated within one year of the date of the RIF will have sick leave credit restored (see policy [HR 1.45 Reduction-In-Force](#) for more details).
3. An employee who has received prior approval for an extension to the 15-day break-in--service shall have sick leave restored if moved or hired into to another permanent position within the approved time period.

H. Employee Procedure

Notification of Illness

1. As soon as an employee is aware that future use of their available sick leave will be required, the employee must notify the immediate supervisor of the need for the leave and submit a request for leave.
2. When an employee is incapacitated because of an unforeseen illness, the employee must notify the immediate supervisor of the absence by the start of the working day of the unscheduled absence. The timekeeping system must be updated to ensure that all leave taken is entered in a timely manner.
3. If an emergency exists and the employee is unable to call the supervisor, arrangements should be made to have someone notify the supervisor on behalf of the employee.
4. Unless some indication of the length of absence can be given, the employee is expected to notify the supervisor by the start time of the working day of each additional day of absence.
5. Failure to give notice within the proper time limit may result in the absence being charged to unauthorized leave without pay and may be subject to disciplinary action.

RELATED UNIVERSITY, STATE AND FEDERAL POLICIES

[HR 1.03 Annual Leave](#)

[HR 1.07 Family and Medical Leave](#)

[HR 1.09 Other Leave With Pay](#)

[HR 1.08 Paid Parental Leave](#)

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

[HR 1.45 Reduction-In-Force](#)

[HR 1.57 Separation from University Service](#)

[HR 1.66 Worker's Compensation](#)

[HR 1.85 Research Grant or Time-Limited Positions](#)

HISTORY OF REVISIONS

DATE OF REVISION	REASON FOR REVISION
July 1, 1995	New Policy
August 24, 2010	Revised disclaimer; increased the number of sick days to be advanced; increased the number of family sick days to 10; updated definition of family member
April 14, 2014	Clarified what information may be requested prior to approving leave; Clarified that medical information, including medical diagnosis and details, are to be requested by the Division of Human Resources; Changed order of information and slight wording change; Clarified that extension of the 180 days of initial disability may be approved and extend beyond that time period if there is indication of return to work within that time 12 period; Document disability application procedure for FMLA qualified versus non-FMLA qualified employees; Increased the number of sick leave days for applying for disability and FMLA from to 10 days to 3 consecutive calendar days; documents requirement of a return to work slip prior to being able to return from disability. Modified the section on Extended Disability Leave to be in compliance with State Regulation revisions.
February 7, 2018	Modified the section on Extended Disability Leave to be in compliance with State Regulation revisions. Clarified other areas as needed.
July 26, 2021	Updated policy to reflect changes in procedures as a result of the implementation of a new university timekeeping system. Clarified policy elements and simplified procedural elements. Extended Disability Leave section moved to policy HR 1.09 Other Leave with Pay.

October 13, 2022	Added references to Paid Parental Leave, removed Adoption Leave reference, clarified Research Grant and Time Limited employees are not eligible for PPL
<u>September 1, 2024</u>	<u>Updated to comply with the new State Human Resources Regulations including leave transfer for RGP/TL to FTE</u>