

**SOUTH CAROLINA STATE UNIVERSITY
PERSONNEL POLICIES AND PROCEDURES MANUAL**

SECTION: Holidays and Leave	Section: IV
	Subject: E
SUBJECT: Employee Leave Transfer Program	Effective: 06/05/09
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THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND SOUTH CAROLINA STATE UNIVERSITY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE UNIVERSITY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, 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.

EMPLOYEE LEAVE TRANSFER PROGRAM

The following procedures establish the manner in which South Carolina State University employees may voluntarily transfer annual and/or sick leave into a leave transfer pool from which other University employees, who have been approved as leave recipients under personal emergency circumstances, may draw. Leave taken under the Leave Transfer Program may qualify for Family and Medical Leave Act (FMLA) leave and, if so, will run concurrently.

Definitions

- A. Leave Donor - an employee whose voluntary written request for transfer of annual or sick leave to the University's leave pool account is granted.
- B. Leave Recipient - an employee who has a personal emergency and is selected and approved to receive annual or sick leave from the University's leave pool account.
- C. Personal Emergency - a catastrophic and debilitating medical situation, severely complicated disability, severe accident case, family medical emergency or other hardship situations that are likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave.

Eligibility to Donate

- A. Annual Leave

An employee may voluntarily request, in writing by completing the University's Leave Pool Donation Form ([P-34](#)), that a specified number of hours of his or her accrued annual leave be transferred from his or her annual leave account to the University's Annual Leave Transfer Pool, such leave to be distributed to leave recipients of the University approved according to the provisions of the guidelines of this policy.

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B. Sick Leave

An employee with more than 15 days in his or her sick leave account may request voluntarily, in writing, by completing the University's Leave Pool Donation Form ([P-34](#)), that a specified number of hours of his or her accrued sick leave be transferred from his or her sick leave account to the University's Sick Leave Transfer Pool, such leave to be distributed to leave recipients of the University approved according to the provisions of these guidelines provided he or she retains a minimum of 15 days in his or her own sick leave account. An employee with less than 15 days in his or her sick leave account may not transfer any sick leave to the University's Sick Leave Pool.

C. An employee wishing to donate annual and/or sick leave to either the Annual or Sick Leave Transfer Pool must do so prior to the end of the calendar year. An employee may donate no more than one-half of the annual or sick leave he or she earns within a calendar year to the appropriate pool leave account for that calendar year.

D. Once leave of an employee has been transferred to the pool account, it shall not be restored or returned to the leave donor.

Request for Leave

An employee with a personal emergency may request annual or sick leave from the appropriate pool account by completing the Leave Pool Request ([Form P-35](#)). While there is no limit to the number of separate requests that an employee may submit, each separate request shall be limited to no more than 30 working days.

Leave Approval

A. The President or designee, after reviewing all necessary information shall approve leave transfer requests. Unless the personal emergency involves a medical condition affecting the leave recipient, the President or designee may consider the likely impact on morale and efficiency within the University in selecting a leave recipient to use transferred leave.

B. With approval of the President, the selections of leave recipients are final, and there is no administrative or judicial appeal.

Use of Annual or Sick Leave

Leave taken under this section may qualify for the Family and Medical Leave Act (FMLA) and, if so, will run concurrently.

A. Upon approval of a request, an employee may use annual or sick leave from the appropriate pool account in the same manner and for the same purposes as if the employee had accrued the leave.

B. Annual or sick leave that accrues to the account of the leave recipient must be used before using any leave from a leave transfer pool.

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When Emergency Terminates

- A. A leave recipient will no longer be granted leave from the leave pool when the determination is made that the personal emergency no longer exists or the leave recipient's employment with the University terminates.
- B. The status of the personal emergency affecting the leave recipient shall be monitored continuously to ensure that the leave recipient does not receive or use transferred annual or sick leave from a pool account after the personal emergency ceases to exist. When the personal emergency terminates, the University will not grant further requests for transfer of leave to the leave recipient's leave account.
- C. When the personal emergency affecting a leave recipient terminates, any transferred annual or sick leave remaining to the credit of the leave recipient must be restored to the appropriate pool account by completing a Leave Pool Restoration Form ([P-36](#)).

When Employment Terminates

- A. Transferred annual or sick leave from a pool account remaining to the credit of a leave recipient when his or her employment terminates must be restored to the appropriate pool account by the completion of a Leave Pool Restoration Form ([P-36](#)).
- B. When employment terminates, transferred leave from a pool account shall not be transferred to another employee, included in a lump-sum payment for accrued leave, nor included in the leave recipient's total service for retirement computation purposes.

Leave Transfer Guidelines

- A. Each leave transfer request will be thoroughly investigated by the Office of Human Resource Management to determine that an emergency condition exists and that the employee has reasonable justification for making the request.
- B. It is the intent of the University that this leave be used by employees in FTE positions who earn annual and/or sick leave, with good work and leave records who truly have a catastrophic and debilitating emergency situation, and need the assistance that this program can provide. Routine disabilities or disabilities resulting from elective surgery do not qualify for leave transfers.
- C. The requesting employee must have experienced a personal emergency which means a medical or family medical emergency or other hardship situation that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave. A "prolonged period" as used in the definition of a personal emergency is interpreted to be a minimum of 30 working days.

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- D. An employee must have either been in a leave without pay status for at least 30 working days or submit medical documentation that certifies that a medical emergency will result in an employee being in a leave without pay status for at least 30 working days.
- E. Employees who become eligible for other paid benefits for periods of absence from work will generally be considered ineligible for leave transfers. Employees choosing not to apply for other paid benefits for which they may be eligible will generally be considered ineligible for leave transfers. Examples of other paid benefits include, but are not limited to, workers' compensation, long-term disability, and disability retirement benefits.
- F. An employee must have used all earned sick and/or annual leave (as appropriate according to the University's leave policies) prior to using approved transferred leave.
- G. Whether transferred leave may be applied retroactively for periods of leave without pay or used to liquidate indebtedness for advanced sick leave, and for what length of time will be determined on a case by case basis in light of the justification presented.
- H. To approve a leave transfer request, there must be sufficient leave in the appropriate University leave pool and sufficient funds to pay for the requested leave.