

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

SECTION: Holidays and Leave	Section: IV
	Subject: D
SUBJECT: Sick Leave	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.

SICK LEAVE

Eligibility

- A. Sick leave shall be earned by and granted to full-time employees in FTE positions and part-time employees in FTE positions (and Temporary Grant positions if allowed by the grant) who are scheduled to work at least one-half the workweek. Employees in temporary grant positions may be entitled to sick leave as specified in the temporary grant.
- B. An employee who is in pay status for at least 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 shall not earn sick leave.
- C. Employees shall earn sick leave while on sick leave, annual leave, or other authorized leave with pay. Employees shall not earn sick leave while on leave without pay.

Rate of Earnings

- A. Employees' sick leave earnings are computed based on the number of hours in the employee's workday.
- B. Full-time employees 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. Part-time employees shall earn sick leave beginning with the date of employment on a pro rata basis that produces the equivalent earnings of 1¼ workdays per month or 15 days per year for full-time employees.
- C. In addition to sick leave that may be earned by an employee, the President may grant up to 15 workdays of additional sick leave in extenuating circumstances. The additional sick leave is granted only upon written verification from a health care practitioner that the employee is expected to return to work within that period of time. 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. Where no written verification from a health care practitioner is available and an approximate date of return to active duty cannot be ascertained, the employee will be placed in leave without pay status

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

Maximum Accrual and Carry-Over

Full-time and part-time employees in FTE positions shall be permitted to earn up to 195 workdays and carry over from one calendar year to the next any unused earned sick leave up to a total maximum carryover of 180 workdays.

Increments for Use of Sick Leave

An employee's use of sick leave shall be charged in 15-minute increments.

Using and Scheduling Sick Leave

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

An employee shall be allowed to use sick leave for the following reasons:

- A. Personal illness or injury that incapacitates the employee to perform duties of the position.
- B. Exposure to a contagious disease such that presence on duty could endanger the health of fellow employees when certified by a health care practitioner.
- C. Appointment for medical or dental examination or treatment when such appointment cannot reasonably be scheduled during nonwork hours.
- D. Sickness during pregnancy or other temporary disabilities. (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 a health care practitioner.)
- E. Treatment for alcoholism. (In accordance with Section 8-11-110 of the S. C. Code of Laws which recognizes alcoholism as a treatable illness, sick leave will be granted for the purpose of participating in public and/or private treatment and rehabilitation programs which have been approved by the Department of Mental Health.)
- F. Caring for ill members of immediate family. Employees earning sick leave may use not more than ten days of sick leave annually to care for ill members of their immediate families. For purposes of these ten days, the employee's "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.
- G. Caring for an adoptive child. An adoptive parent who is employed by the State of South Carolina may use up to six weeks of his or her earned sick leave to take time off for purposes of caring for the child after placement. The leave may be granted to the employee only if the employee is the person who is primarily responsible for furnishing the care and nurture of the child.

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

Verification of Sick Leave

Supervisors have the authority to request verification of sick leave. The supervisor may, before approving the use of sick leave, require the certificate of a health care practitioner or other acceptable documentation verifying the need for sick leave and giving the inclusive dates.

Notification of Sick Leave

When an employee is unable to report to work because of illness, he or she must notify the immediate supervisor as soon as possible after the beginning of the workday on the first day of absence, and each subsequent day of absence, unless the inclusive dates of the entire period of absence have been established by a health care practitioner's statement or other acceptable documentation on the first day of absence. In this case, the employee may report the entire period of absence on the first day without making further calls. Failure to give adequate notice of absence could result in the employee being on unauthorized leave, the absence being charged to leave without pay and subject him or her to disciplinary action. It is the employee's responsibility to make his or her own call to the supervisor except in cases of emergency. In case of emergency, arrangements should be made to have someone notify the supervisor on behalf of the employee.

Application for Sick Leave

- A. Immediately upon return to duty, the employee must apply for sick leave on the University's Request for Leave ([Form P-1](#)).
- B. Absence of three consecutive workdays or more must be supported by a medical certificate of a health care practitioner. Whenever the employee is unable to obtain a medical certificate, or if the circumstances of the employee's illness do not require the services of a physician, the employee must submit a signed statement indicating the nature of the illness and the reason why a medical certificate is not furnished. The supervisor shall determine whether the statement of the employee constitutes sufficient evidence to support the application for sick leave. If the employee fails to submit an application, or if there is insufficient evidence to support the application for sick leave, the absence shall be charged to leave without pay.
- C. In cases where there is reason to believe that sick leave is being abused, the supervisor should inform the employee in advance, in writing, that because a question has arisen concerning his or her use of sick leave, a medical certificate will be required for each future application for sick leave until further notice. If medical evidence is not submitted with each future application the time shall be charged to leave without pay.
- D. When an employee is scheduled in advance for surgery and/or appointments with physicians, he or she must notify the supervisor and apply for sick leave in advance in order that necessary adjustments may be made in the work schedule.

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

Substitution of Sick Leave

When illness occurs during a period of annual leave, accrued sick leave may be substituted to cover the period of illness provided it is reported promptly. Application for substitution of sick leave for annual leave must be supported by a certificate of a health care practitioner or other evidence administratively acceptable.

Use of Sick Leave Before Going on Leave Without Pay

In qualifying leave situations, the employee shall use all sick leave before going on leave without pay unless the President grants an exception at the employee's request.

Holidays During Sick Leave

When a holiday is observed by the University while an employee is on sick leave, the day shall be considered a holiday, not a day of sick leave for the employee.

Extended Disability

Under the Americans With Disabilities Act (ADA), certain extended illnesses may be protected as disabilities and may require reasonable accommodation.

- A. For any extended period of certified disability due to illness, injury or maternity, an employee may request leave not to exceed (1) 180 workdays of leave with pay, or (2) 180 calendar days of combined leave with pay and leave without pay.
- B. Prior to approval of an extended disability, the employee is required to furnish a certificate by a health care practitioner which includes: (1) the date on which the serious health condition commenced, (2) the probable duration of the condition, and (3) appropriate medical facts within the knowledge of the health care practitioner regarding the condition. Dates set forth in the health care practitioner's certificate may be amended. The University may require additional documentation from the health care practitioner issuing the certificate or may secure additional medical opinions from other health care practitioners.
- C. The request for the 180-day disability leave for bona fide illness or disability shall not be denied for employees in FTE positions.
- D. Should the employee return to work within the approved 180-day period, he or she shall be reinstated to the same position or one of a comparable pay band for which the employee is qualified. If the employee is unable to return within the 180-day period, he or she must be separated from State service, unless one of the following two extensions are granted in extenuating circumstances:

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

1. The President may extend the 180-day period of leave to a total of 365 days provided the health care practitioner certifies the employee's return within this time period; and
2. The President may request from the Budget and Control Board Office of Human Resources an extension of the disability leave beyond the 365 days without a break in service provided the health care practitioner certifies the employee's return to work within the time frame of the requested extension.

Separation from Employment

- A. Upon Retirement - At retirement, an employee shall receive service credit for not more than 90 days of unused sick leave at no cost to the employee. 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.
- B. Upon Separation Other Than Retirement - Upon separation from employment with the State for reasons other than retirement, employees shall forfeit all earned sick leave. (An employee who is reinstated within one year of the date of separation due to a Reduction-in-force shall have his or her sick leave restored.)