

*DRAFT  
Policy*

## **STAFF LEAVES AND ABSENCES**

*Code GCC/GDC Issued 4/29/18*

---

Purpose: To establish the basic structure for all types of professional staff leaves and absences.

The continuous presence of employees promotes excellence in the instructional program.

Therefore, the Board expects employees to come to work every day. The Board recognizes, however, that certain absences are unavoidable. At such times, employees should take leave in accordance with this policy.

### **STANDARD SICK LEAVE**

Employees eligible for standard “sick leave” benefits under this policy are those employed in the school District who work at least thirty (30) hours per week.

Employees eligible for Family and Medical Leave Act (FMLA) benefits are those individuals who have been employed by the school District for a total of twelve (12) months and have worked at least 1,250 hours during the previous twelve (12) months.

### **ACCRUAL OF SICK LEAVE**

Sick leave shall be accrued by eligible employees at the rate of one and one-fourth days for each month of active service yielding the following leave entitlements:

- 12 days for 185 days of active service,
- 13 days for 210 days of active service,
- 14 days for 230 days of active service, and
- 15 days for 12 months of active service.

Accrued sick leave that is not used may be accumulated up to ninety (90) days provided that such employees do not violate their respective contracts.

### **ISSUANCE OF SICK LEAVE**

Employees eligible to earn sick leave shall be issued at the beginning of their eligibility sick leave days in a number equal to the number earnable during their particular employment period.

If the recipient of such advance leave is separated from the District’s employ for any reason, and, at the time of separation, has used any portion of the advanced leave prior to its becoming “vested” or “earned” leave via the requisite days of active service, the amount paid the employee

## **PAGE 2 – GCC/GCD –STAFF LEAVES AND ABSENCES**

for such used but unearned sick leave shall be deducted from the employee's final paycheck. Leave may be transferred to another State agency upon separation from employment with the District as set forth in State law.

### **USE OF SICK LEAVE**

The primary reason for the use of sick leave will be the personal illness of the individual employee or illness in the immediate family, which includes spouse, children, and parents (for further information regarding leaves due to illness please refer to the section entitled Family and Medical Leave Act.)

Use of sick leave days in excess of accrued number will be without pay. An employee legitimately using accrued "sick leave" will not be terminated from employment nor shall any such employee be terminated during a continuing sick leave of less than ninety-one (91) days.

Absences are calculated on a half-day basis. Any part of a half-day missed is considered as a half-day absent. Twelve month employees may take sick leave on a quarter-day basis.

### **VERIFICATION AND USE OF SICK LEAVE**

The use of sick leave is subject to verification. Specifically, an employee must submit a healthcare provider's statement verifying an illness when the employee has been on sick leave for more than 10 working days within a school year, after an absence of five consecutive days, or if the employee is requesting extended leave. The District also reserves the right to require an employee to submit a medical healthcare provider's statement verifying an illness when the administration believes verification is needed or when an employee's use of sick leave forms a pattern or abuse is suspected. A healthcare provider's statement that the illness of an immediate family member requires the presence of the employee must be submitted for absences greater than five consecutive days.

If the employee does not provide the required healthcare provider's statement within five working days upon written request, the District may take appropriate disciplinary actions, up to and including a recommendation of termination from employment, unless the District receives notice that the employee has experienced severe extenuating circumstances.

The District may require the opinion of a second healthcare provider designated and paid for by the District regarding verification of any illness or disability.

The District may require an employee to provide a healthcare provider's statement attesting to his/her ability to perform required duties before returning to work.

In order that the District may secure an adequate replacement and make other appropriate arrangements, employees must provide reasonable and appropriate advance notice of absences as specified within this policy, or as quickly as is practicable. Reasonable and appropriate advance notice of the employee's absence is essential for scheduling a substitute.

**Use of Sick Leave for Childbirth or Adoption**

Use of paid sick leave for the purpose of recovering from childbirth or for purposes of child adoption shall be limited to a period of six consecutive weeks (30 days) immediately following the birth (or placement) of the child – eight weeks (40 days) for childbirth via C-section. Use of paid sick leave in excess of six weeks must be supported by written certification of a licensed physician prior to taking any such leave. The limit for use of accrued paid sick leave will be thirty (30) days for standard recovery (40 days for a C-section) and child adoption or the actual number of accrued days credited to the employee if less than the above. Days beyond thirty (30) - forty (40) for a C-section - or the actual number will be unpaid.

**LEAVE UNDER THE FAMILY AND MEDICAL LEAVE ACT (FMLA)**

The Board will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA). Eligible employees are entitled to up to 12 work weeks of unpaid family and medical leave in a fiscal year (July 1 to June 30) or up to 26 work weeks of unpaid leave during a single 12 month period to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty, as defined in this policy. The District will continue to pay the District's portion of the employee's health insurance premiums during the leave. The employee must continue to pay his/her portion of all insurance premiums to maintain coverage.

In complying with the FMLA, the District will adhere to the requirements of the Americans with Disabilities Act as well as other applicable federal and State laws.

To be eligible for "FMLA" leave, an individual must be employed by the school District for a total of twelve (12) months and have worked at least 1,250 hours during the previous twelve (12) months.

Eligible employees are entitled to up to a combined total of twelve (12) work weeks of unpaid leave per "rolling" 12-month period measured backward from the date an employee uses any FMLA leave for any of the following:

1. The birth of a child of the employee ;
2. The placement of a child of the employee for adoption or foster care;
3. To care for the employee's spouse, parent, or child if such spouse, parent or child has a serious health condition;
4. The employee's own "serious health condition"; and
5. A qualifying exigency arising out of a spouse, child or parent who is on active duty or has been notified of impending call to active duty in support of a contingency operation.

The entitlement to leave for the birth or placement of a child for adoption or foster care expires 12 months after such date of birth or placement. Benefits accrued before "FMLA" leave is taken will not be altered, and upon return, the employee is entitled to restoration to an equivalent position with equivalent pay, benefits, and conditions of employment. However, the employee

## **PAGE 4 – GCC/GCD –STAFF LEAVES AND ABSENCES**

will not accrue seniority or employment benefits during the time he or she is on “FMLA” leave.

### **Military Caregiver Leave**

An eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness is entitled to up to a total of 26 workweeks of unpaid leave during a “single 12-month period” to care for the service member. A covered service member is a current member of the armed forces, including a member of the national guard or reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness. An eligible employee is limited to a combined total of 26 work weeks for any FMLA qualifying reason during the “single 12-month period.”

### **Limits on Spouses Employed by the District**

Spouses employed by the District are limited in the amount of FMLA leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 weeks (or 26 weeks if leave to care for the covered service member with a serious injury or illness is used.) Leave for birth or care of placement for adoption or foster care must conclude within 12 months of the birth or placement.

The limit for use of accrued paid sick leave for adoption, foster placement, or birth and first year care of a child, will be thirty (30) days or the actual number of accrued days credited to the employee if less than thirty (30). Days beyond thirty (30) or the actual number will be unpaid.

### **Leave Taken Intermittently or on a Reduced Leave Schedule**

“Intermittent leave” is leave taken in separate blocks of time due to a single illness or injury, rather than for one continuous period of time and may include leave periods from one hour or more to several weeks.

A “reduced schedule leave” is a leave schedule that reduces an employee’s usual number of working hours per workweek or hours per workday.

Leave for the birth or placement of a child will not be taken intermittently or on a reduced schedule without the written consent of the Superintendent or his/her designee, who will consult with the employee’s immediate supervisor before granting such consent.

Leave to care for a seriously ill spouse, son, daughter, or parent, or for the employee’s own serious health condition, may be taken intermittently or on a reduced schedule only when medically necessary and as approved by the District.

If any employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the Superintendent or his/her designee may require such employee to transfer temporarily to an available alternative position for which the employee is qualified that

## **PAGE 5 – GCC/GCD –STAFF LEAVES AND ABSENCES**

has equivalent pay and benefits and better accommodates recurring periods of leave or family and medical leave (for instructional employees, specific FMLA regulations apply when leave period occurs near the end of an academic semester), if such position is available. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the District's operations.

### **Substitution for Paid Leave**

An employee using "FMLA" leave shall be required to substitute and exhaust any accrued paid vacation leave, personal leave, or sick leave of the employee in the exercise of "FMLA" leave. If such accrued paid leave is not sufficient to cover the "FMLA" leave entitlement, the additional days of leave necessary to satisfy the "FMLA" entitlement shall be without compensation. The limit for use of accrued paid sick leave for adoption, foster placement, or birth and first year care of a child, will be thirty (30) days or the actual number of accrued days credited to the employee if less than thirty (30). Days beyond thirty (30) or the actual number will be unpaid.

### **Foreseeable Leave**

When "FMLA" leave is foreseeable, the employee must provide at least thirty (30) days notice of the date when leave is to begin - unless circumstances dictate otherwise. In addition, with respect to family or employee medical treatments which are foreseeable, the employee shall make a reasonable effort to schedule treatment (including intermittent and reduced hour leave) so as not to disrupt unduly the operation of the District.

### **Failure to Return from Leave/Recovery of Health Premiums**

If an employee fails to return to work after the leave period has expired (other than family or personal illness or other circumstances beyond his or her control), the employer may recover the premium expenditures extended during the leave period.

### **PERSONAL LEAVE**

An employee may use **five** ~~three~~ days per school year (non-cumulative) for personal reasons with these exceptions.

- on the last day before or the first day after a holiday
- during the first or last two weeks of school

**An employee should give his/her principal or supervisor at least 72 hours notice before the day(s) requested.** ~~An employee should give his/her principal or supervisor as much advance notice as possible prior to the day of requested leave.~~

The District will deduct personal leave from sick leave. Absences for personal leave may be granted on a half-day or full-day basis. Employees do not have to state the reason for personal

## **PAGE 6 – GCC/GCD –STAFF LEAVES AND ABSENCES**

leave.

### **LEGAL ABSENCE**

The District will grant employees leave without loss of pay, vacation time, or existing leave days when they are summoned for jury duty or subpoenaed. Whenever a prospective juror is dismissed before the end of the working day, he/she will return to his/her official duties. Compensation paid to the employee for serving on jury duty is to be kept by the employee.

When selected for jury duty, teachers, certified personnel at the building level or bus drivers are encouraged to request a postponement to a date that does not conflict with the school term.

### **BEREAVEMENT LEAVE**

The District will grant an employee three days bereavement leave following the notification of the death of a member of his/her immediate family (spouse, children, grandchildren, parents, grandparents, brothers, sisters, and in-laws to the same degree). The three days are exclusive of Saturdays, Sundays and holidays.

### **MILITARY LEAVE**

Eligible employees who are family members of covered service members may also take leave as provided for in the FMLA and its accompanying regulations.

When possible, employees of the District serving in the military reserves/national guard should attempt to schedule their military leave so as not to conflict with their work schedules.

Requests for military leave should be made in writing to the **assistant superintendent of human resources** ~~Chief Personnel Officer~~ as far in advance as possible, along with the appropriate verifying data.

Employees may take military leave without loss of pay, seniority or efficiency rating for one or more periods not exceeding a total of 15 workdays in one year. Saturdays, Sundays and State holidays may not be included in this 15 days unless the Saturday, Sunday or holiday is a regularly scheduled work day for the employee.

This leave may be taken when the employee is engaged in training or 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. This leave applies to employees 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.

In the event an employee is called upon to serve during an emergency, he/she will be entitled to

## **PAGE 7 – GCC/GCD –STAFF LEAVES AND ABSENCES**

such military leave of absence for a period not exceeding 30 additional days without loss of pay, consistent with State law. In compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), an employee returning from military service who otherwise is eligible to be re-employed must be reemployed in the job that s/he would have attained had s/he not been absent for military service

### **REIMBURSEMENT FOR ACCUMULATED ANNUAL AND/OR SICK LEAVE UNDER THE TEACHER AND EMPLOYEE RETENTION INCENTIVE PROGRAM (TERI)**

The District will reimburse employees exiting TERI for up to ten days of unused annual leave at the time of separation from the District. The District will pay the employee at his or her current daily rate of pay, or hourly rate of pay for classified employees.

### **PROFESSIONAL LEAVE FOR CONFERENCES/TRAINING WORKSHOPS**

The Board believes that it is desirable to provide professional leave for employees in order to attract and retain employees who will continue to grow professionally and enhance their service to the District.

The District may grant an employee professional leave to attend a meeting of an organization in which he/she is an officer (president/chairman, vice-president, secretary, or treasurer), provided the employee's participation in the organization is of benefit to the employee's employment with the District.

The District may grant temporary leave to an employee for the purpose of attending activities designed to improve employee competency or to improve the instructional or service programs of the District.

The Superintendent or his/her designee may authorize professional leave for attending State, regional and national meetings, workshops, and conferences (including observing in other schools) without pay deduction. The employee must apply for prior approval through his/her principal or supervisor.

The Superintendent will determine the number of absences allowable for professional leave. Absences will also be subject to budget limitations for employing substitutes and reimbursement for travel, meals, and lodging.

### **SABBATICALS**

Teachers and other professionally certificated employees who have completed five or more years of service in the District may, upon recommendation of the Superintendent and approval of the Board, be granted leave of absence without pay for the purpose of study or travel when, in the judgment of the Superintendent, such travel and study contributes to the welfare of the employee and the District.

In order to provide for as much continuity in the instruction of students as possible, leaves for the

## **PAGE 8 – GCC/GCD –STAFF LEAVES AND ABSENCES**

purpose of study and travel will be granted in increments of semesters and for no more than two consecutive semesters (one school year). Requests must be submitted to the Superintendent by April 15 for leave for the following school year or at least 60 days prior to the date the leave is to begin, if it is expected to occur within the same school year. Applications will be considered on the basis of the following criteria in the order of importance.

- availability of temporary replacements
- relative merits of reasons for desiring leave
- reasonable distribution of applicants by schools
- professional merit of the proposal
- the order in which applications have been received

A leave recipient may not deviate from his/her approved plan except by written permission of the Board or its designee.

Upon return to the District, the employee will be granted first refusal of a comparable position for which he/she is certified to teach. When in the judgment of the Superintendent it is advisable, a temporary contract may be issued to the replacement for the employee on leave.

No more than one percent of the District's teaching or administrative staff may be on leave for study or travel at any one time.

The Superintendent must approve any exceptions to this policy, based on individual circumstances.

### **VACATIONS AND HOLIDAYS**

#### *School-year personnel*

The school calendar, as adopted by the Board, establishes the school recess periods and holidays for staff members employed on a school-year basis.

#### *Administrators and year-round personnel*

Regular full-time administrators employed on a 12 month basis (52 weeks) and other 12 month employees will receive vacations and holidays as follows.

#### *Vacations*

- All District employees who are 12-month employees accrue vacation leave at the rate of 5/6th day per month for a total of 10 days per year. For fractions of a month worked, the District will figure the number of days worked as opposed to the number of working days in any given month. Once the total number of vacation days is compiled, if a person has any fraction more than a whole day earned, the fraction will count as a whole day.
- Employees with less than 10 days of vacation with pay may take up to a maximum of 10 days, with the extra days being without pay.



## **PAGE 9 – GCC/GCD –STAFF LEAVES AND ABSENCES**

- Employees must obtain the prior approval of their supervisor before using accrued vacation leave.
- Employees may accumulate an unlimited amount of vacation leave.
- At retirement, resignation, or when employees otherwise separate from their employment with the District, employees will be paid for a maximum of 10 days of accrued vacation leave at their daily rate of pay, if they have 10 or more days accrued. Otherwise, upon separation, they will be paid for the number of vacation days they have accrued (10 or less) at their daily rate of pay, or hourly rate of pay for classified employees.
- The District allows vacation to be taken on a quarter-day basis.

Adopted 4/27/78; Revised 4/27/81, 10/29/85, 11/24/86, 2/26/90, 2/23/04, 3/23/09, 4/29/18

---

### Legal references:

- A. United States Code:
  - 1. P.L.103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993.
  - 2. Chapter 43, Title 38 – Uniformed Services Employment and Reemployment Rights Act of 1994
- B. S.C. Code, 1976, as amended:
  - 1. Section 8-7-20 - Requires granting of military leave, without pay, up to five years.
  - 2. Section 8-7-90 - Requires 15 days per year of leave with pay for members of National Guard and Reserve Units of the various Armed Forces. Also grants an additional 30 days of leave with pay in emergency situations.
  - 3. Section 9-1-2210 – Teacher and Employee Retention Incentive Program.
  - 4. Section 14-1-190 - Compensation received for jury duty deemed to be expense money.
  - 5. Section 14-7-845 - Relating to optional postponement of jury service for students and employees.
  - 6. Section 25-1-2250 - Employees entitled to leave with pay when serving in National Guard.
  - 7. Section 59-1-400 - Sick leave for public school District employees.