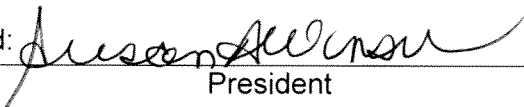
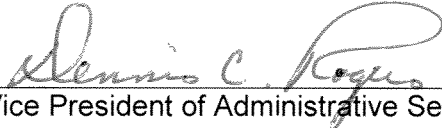


**AIKEN TECHNICAL COLLEGE
PROCEDURE**

Procedure Title:	LEAVE	Procedure Number:	3-2-101.1
Institutional Authority:	President		
Associated SBTCE Policy/Procedure:	8-3-100; 8-3-101; 8-3-102; 8-3-103; 8-3-106		
Governing ATC Policy:	3-2-101		

Approved:  
President Vice President of Administrative Services

Date Adopted: 07/01/2004
Date Revised: 02/11/2008; 09/08/2008

DISCLAIMER

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY.

I. SICK LEAVE

A. Eligibility

Sick leave shall be granted to and accrued by:

1. Employees occupying FTE positions, temporary grant employees if provided through the grant; and
2. Permanent part-time employees who are scheduled to work at least one-half ($\frac{1}{2}$) the workweek of the agency on a twelve (12) month basis or who are scheduled to work the equivalent of one-half ($\frac{1}{2}$) the workweek of the agency on a twelve month basis during the full school or academic year of nine (9) months or more.

B. Earnings

1. Full-time Employees in Permanent Positions

All permanent full-time Aiken Technical College employees shall be credited with sick leave beginning with the date of employment at the rate of one and one-fourth ($\frac{1}{4}$) working days per month of service or fifteen (15) days per year.

2. Part-time Employees in Permanent Positions

All permanent part-time Aiken Technical College employees shall be credited with sick leave beginning with the date of employment on a pro-rata basis that produces the equivalent earnings of one and one-fourth ($1\frac{1}{4}$) working days per month or fifteen (15) days per year for full-time employees.

3. Additional Sick Leave May Be Granted

In addition to sick leave that may be credited as provided under this section, the President may grant up to fifteen (15) days of additional sick leave in extenuating circumstances upon reasonable assurance that the employee is expected to return to active duty within that period of time. Upon return to active duty, the employee will have all sick leave credits applied to the leave deficit at the rate of one and one-fourth ($1\frac{1}{4}$) days per month until the deficit has been erased. Where no competent medical prognosis is available and an approximate date of return to active duty cannot be ascertained, the employee should be placed in leave without pay status. Requests for approval should be made through the Human Resources Office.

4. Maximum Accumulation

Permanent full-time and permanent part-time employees shall be permitted to accrue up to one hundred ninety-five (195) days and carry over from one calendar year to the next any unused sick leave to a total maximum accumulation of one hundred eight (180) days.

5. Earned Leave in Excess of Maximum Accumulation

Any employee who, prior to January 2, 1969, accumulated sick leave in excess of one hundred eight (180) days pursuant to the then existing policy of any State agency, shall not forfeit the excess, but shall retain such excess leave which shall 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 one hundred eighty (180) days or less, one hundred eight (180) days shall become the maximum amount of unused sick leave the employee may thereafter carry over.

C. Crediting and Charging Sick Leave

1. Crediting Sick Leave

Employees shall not be credited with leave earnings for any month in which they are not in pay status for one-half ($\frac{1}{2}$) or more of the workdays of the month. Employees who are in pay status one-half ($\frac{1}{2}$) or more but not all of the workdays of the month shall be credited with leave earnings for the full month. An employee shall be credited with sick leave earnings while on annual leave, sick leave, or other authorized leave with pay.

2. Charging Sick Leave

An employee's sick leave credit shall be charged for the actual time an employee must be away from the job. When a holiday is observed by the institution while an employee is on sick leave, such day shall not be charged as a day of sick leave.

3. Leave to Accrue While in Leave With Pay Status

Sick leave will accrue to the credit of an employee who is in leave with pay status such as annual, sick, and military leave with pay.

4. Leave Not Earned While in Leave Without Pay Status

Employees shall not earn sick leave while on leave without pay.

D. Verification and Use of Sick Leave

1. Verification

The use of sick leave shall be subject to verification. When there is reason to believe that sick leave is being abused, the supervisor may, before approving the use of sick leave, require a certificate of a physician or other acceptable documentation describing the disability and giving the inclusive dates. A physician's certificate is required by an employee who is out three (3) or more consecutive days.

2. Use of Sick Leave

An employee shall be granted sick leave if absent for any of the following reasons:

- a. Personal illness or injury incapacitating the employee to perform the 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 licensed physician.
- c. Appointment for medical or dental examination or treatment when such appointment cannot reasonably be scheduled during non-work hours. To the degree possible, examination appointments must be approved in advance by the supervisor.
- d. Sickness during pregnancy or other temporary disabilities. To the extent permissible, 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 doctor. In no event shall such date be prescribed unilaterally by an appointing authority except on the basis of professional medical opinion that the employee is physically incapable of performing normal duties or that continuing to perform normal duties would be hazardous to the health of the employee.
- e. Treatment of substance abuse: Sick leave may be charged by an employee for the purposes of participating in public and/or private treatment and rehabilitation programs which have been approved by the South Carolina Department of Mental Health.
- f. Sickness of immediate family members: Employees may use not more than ten (10) days of their earned sick leave annually to care for sick members of their immediate families. For purposes of this section, immediate family means spouse and children, mother, father, a spouse's mother and father, legal guardian, a spouse's legal guardian, and grandchildren if the grandchild resides with the employee and the employee is the primary caretaker of the grandchild.
- g. An adoptive parent may use up to six (6) weeks of his accrued sick leave to take time off for purposes of caring for the child after placement. The leave authorized by this section may be requested by the employee only if the employee is the person who is primarily responsible for furnishing the care and nurture of the child.

Note: Leave taken under this section may qualify as FMLA leave and, if so will run concurrently.

E. Transfer

Employees, with the exception of temporary grant employees, who transfer without a break in service from one South Carolina State agency to another shall transfer their

accumulated sick leave up to the total amount accrued adjusted to the scheduled workweek of the gaining agency. In the case of any employee transferring from an agency under whose system the employee has, prior to January 1, 1969, a maximum accumulation in excess of that currently authorized by the gaining agency, the total shall be transferred. An employee of a state agency transferring to a school district of the state or a school district employee transferring to a state agency is permitted to transfer and retain at his new employer all sick leave accumulated at his former employer regardless of his employment status at the new employer. Sick leave not to exceed sixty (60) days lost by a school district employee as a result of changing employment from a state agency to a school district is restored if the employee was employed by the school district or the state agency after June 28, 1984, and is employed on June 30, 1991.

F. Leave With or Without Pay for Extended Disability

For any extended period of disability due to illness, injury, or maternity exceeding the amount of accrued sick leave, the employee may apply for leave without pay which, along with any paid leave that has been taken, shall not exceed one hundred eight (180) days. The written request for leave without pay shall specify the inclusive dates. The request shall not be denied for bona fide illness or disability for permanent employees. The leave without pay shall be granted with reinstatement privileges to the same position or one of comparable grade for which the employee is qualified. Aiken Technical College shall require a physician's certificate or other acceptable documentation describing the disability and giving the projected inclusive dates of disability prior to approval. Dates set forth in the physician's certificate can be amended by the physician. As long as disability is certified by a physician, the amount of leave authorized shall not exceed **(1)** one hundred eighty (180) calendar days of combined leave with pay and leave without pay, or **(2)** one hundred eighty (180) working days of leave with pay; otherwise the employee shall forfeit reinstatement privileges and be separated from State service. In extenuating circumstances, the State Board for Technical and Comprehensive Education Executive Director, at his discretion, may extend the period of leave to a total of three hundred sixty-five (365) days. Leave taken under this section may qualify for FMLA and, if so, will run concurrently. Under the Americans with Disabilities Act of 1990, certain extended illnesses may be protected as disabilities and may require reasonable accommodation. The employee shall have the option of using or retaining accrued annual leave prior to leave without pay. The employee shall use all sick leave before going on leave without pay status unless the President grants an exception at the employee's request.

G. Worker's Compensation

In the event of an accidental injury arising out of and in the course of employment with the State, which is covered under Worker's Compensation, a disabled employee shall make an election to receive compensation under one of the following methods.

1. To be placed on paid leave status using accrued sick and/or annual leave. When such leave credits are exhausted before the employee can return to work, the employee shall be entitled to Worker's Compensation disability benefits at the time the specified amount of leave is exhausted.
2. To use Worker's Compensation benefits awarded in accordance with Title 42 of the 1976 Code. The employee would receive the disability benefits equal to 66% of the employee's gross weekly pay, not to exceed the established maximum rate.
3. To receive sick and/ or annual leave on a pro-rated basis in conjunction with Worker's Compensation according to the formula approved by the Budget and Control Board.

Before the election is made, the effect of each available option on the employee's future leave will be explained by the Human Resource Director. The election must be in writing and signed by the employee and the Human Resource Director. The election of the employee is irrevocable as to each individual incident. Regardless of which method of disability compensation an employee elects, he would continue to be eligible for payment of medical cost provided by the State Accident Fund. Leave under this section may qualify as FMLA and, if so, will run concurrently.

H. Hiring Additional Employees in Permanent Positions.

Additional employees in permanent positions shall not be hired to replace employees on sick leave or leave without pay due to illness, disability, or maternity. Temporary or substitute employees may be hired for limited periods of time to provide coverage during the absence of employees on extended leave.

I. Break in Service

When an employee, excluding a temporary grant employee, experiences a break in service, all sick leave credits are forfeited and may not be reinstated. An employee experiences a break in service under the following circumstances.

1. When, in transferring from one State agency to another, an employee does not report to work with the gaining agency within fifteen (15) calendar days following the last day worked (or approved day of leave) at the losing agency.

2. By remaining in leave without pay status for a period of more than one (1) year. See Exceptions Below.
3. If, following a reduction in force by the employing agency, the employee is not recalled within twelve (12) months of the effective date of layoff.
4. By separation from State service and subsequent re-employment regardless of lapse of time. An employee is considered to have terminated from State service (as opposed to an interagency transfer) if he or she is paid for unused annual leave, except for the following: (1) an employee who is separated from a position in which he earns both sick and annual leave and who, within fifteen (15) calendar days of separation, is appointed to a position in which he earns sick leave; and (2) a permanent employee who is separated due to a reduction in force and who, within twelve (12) months from the date of separation, is appointed to a position by any State agency.

Exceptions:

An employee in leave without pay status for more than one calendar year shall not experience a break in service if:

1. The employee is on military tour of duty with re-employment rights under Federal and/or State Law.
2. The employee is participating in the Government Employees Interchange Program.
3. The employee is on disability leave without pay that has been extended by the Office of Human Resources.
4. A disciplinary act such as suspension or dismissal is set aside or the employee is reinstated as may be directed by subsequent decision of a grievance break in service.
5. The employee is a teacher or has official academic rank at a State supported institution of higher learning on sabbatical leave.

J. Termination of Employment

A. Upon Retirement

At retirement, after March 31, 1991, an employee shall receive service credit for not more than ninety (90) days of his unused sick leave at no cost to the employee. The leave must be credited at a rate where twenty days of unused

sick leaves equals one month of service. This additional service credit may not be used to qualify for retirement.

B. Upon Termination Other Than Retirement

Upon termination of employment with the State (other than retirement), employees shall forfeit all accumulated sick leave credits.

K. Sickness During Annual Leave

When sickness occurs during a period of annual leave and lasts three (3) or more consecutive days, sick leave may be granted to cover the length of illness. A physician's certificate may be required.

This application for sick leave must be made within two (2) days after expiration of annual leave. If sick leave is exhausted, the employee may be placed on leave without pay or may use any accrued annual leave.

L. Sick Leave Record

A leave record shall be maintained by the employing agency for each employee covered under the provisions of the Sick Leave Act, which shall be subject to audit by the State Budget and Control Board and the State Board for Technical and Comprehensive Education. Such records shall:

1. Reflect leave earnings and charges in terms of hours.
2. Indicate the number of leave hours earned during the current calendar year.
3. Indicate the number of leave hours used during the current calendar year.
4. Indicate the number of leave hours carried forward from the previous calendar year, but not exceeding the maximum accrual authorized.
5. Indicate the number of leave hours in the employee's official workweek.
6. Include any other information the agency may require.
7. Be reviewed by or reported in writing to the employee not less than once per calendar year and be supported by individual leave slips signed by the employee and the supervisor. These leave slips shall be retained for not less than two (2) weeks after review by the employee.

II. ANNUAL LEAVE

A. Eligibility

Annual leave shall be accrued by and granted to:

1. Permanent full-time classified personnel, unclassified non-teaching personnel, institutional officers, and temporary grant employees if provided through the grant.
2. Permanent full-time classified personnel, unclassified non-teaching personnel, and institutional officers who are scheduled to work at least one-half ($\frac{1}{2}$) the workweek of the agency on a twelve (12) month basis or who are scheduled to work the equivalent of one-half ($\frac{1}{2}$) the workweek of the agency on a twelve (12) month basis during the full school or academic year of nine (9) months or more.
3. Teaching faculty do not accrue annual leave but are given non-work days in lieu of annual leave, see State Board Procedure, No. 8-3-101.1, Faculty Non-Work Days.

B. Crediting and Computation

Employees shall not be credited with leave earnings for any month in which they are not in pay status for one-half ($\frac{1}{2}$) or more of the workdays of the month. Employees who are in pay status one-half ($\frac{1}{2}$) or more but not all of the workdays of the month shall be credited with leave earnings for the full month. If they are in pay status for less than one-half ($\frac{1}{2}$) of the workdays, they shall receive no credit. For ease of administration, records on leave earned, leave taken, and leave accumulated should be converted to the hourly equivalent.

C. Rate of Earnings

1. Five (5) Day Workweek Schedule

a. Service of ten (10) years or less

Full-time employees in permanent positions and eligible temporary grant employees on five (5) days per workweek schedule with State service of less than ten (10) years shall earn annual leave dating from date of employment at the rate of one and one-fourth ($1\frac{1}{4}$) working days per full calendar month of service in each calendar year.

b. Continuous service after ten (10) years

Full-time employees in permanent positions and eligible grant employees on five (5) days per workweek schedule with State service of more than ten (10) years shall earn a bonus of one and one-fourth (1¼) working days of annual leave for each year of continuous service beyond ten (10) years. Bonus leave earnings for temporary grant employees is a College option based on the availability of funding.

Permanent part-time employees in permanent positions shall earn bonus leave days on a pro rata basis consistent with the method in which regular annual leave is credited for permanent part-time employees.

D. Maximum Accumulation

1. Full-time employees in permanent positions

Full-time employees in permanent positions on five (5) days per workweek schedule shall be permitted to carry over from one calendar year to the next any unused annual leave credit up to a total accumulation of forty-five (45) days.

2. Part-time employees in permanent positions

Permanent part-time employees in permanent positions shall be permitted to carry over from one calendar year to the next any unused annual leave up to a total accumulation that, on a pro rata basis, produces the equivalent maximum accumulation of the full-time employees in permanent positions on a five (5) days per workweek schedule, EXCEPT THAT, full-time employees in permanent positions who subsequently become part-time employees in permanent positions shall be permitted to carry over from one calendar year to the next any unused annual leave up to a total accumulation of forty-five (45) days. If the employee subsequently reduces the amount of such leave carried over to an amount that still exceeds the prorated equivalent maximum accumulation as stated above, then the reduce amount shall become the employee's maximum carry-over into future years. If the employee further reduces the amount of such leave carried over to or below the prorated amount determined to be appropriate for the employee's work schedule, then the appropriate prorated amount shall become the maximum amount of unused leave the employee may thereafter carry over from one calendar year to the next.

E. Earned Leave in Excess of Maximum Accumulation

All eligible employees shall be entitled to bring into any calendar year the maximum accumulation as authorized in Section C. Any eligible employee that does bring the maximum accumulation into a calendar year shall also be entitled to earn and use

annual leave up to a maximum as authorized in Section F1 during that calendar year. However, only the maximum accumulation as authorized in Section D. may be carried over into the next calendar year.

F. Using and Scheduling Leave

1. Maximum days used per year

The maximum number of earned or accumulated working days of annual leave that may be used in any one calendar year shall not exceed:

- a. For employees on a five (5) day per workweek schedule thirty (30) working days.
- b. For employees on regularly scheduled workweeks of more than five (5) days...a total number of working days that are equivalent to thirty (30) working days for a five (5) day per workweek schedule, or
- c. For permanent employees on a part-time schedule...the pro rata portion of the thirty (30) working days for a five (5) day per workweek schedule.
- d. No advances of annual leave can be granted.

Exception

The thirty (30) working day maximum of annual leave (and the pro rata equivalents for greater than five (5) day workweeks) that may be used in one (1) year may be exceeded for emergencies or serious health conditions of the employee or the employee's immediate family and for other FMLA qualifying reasons. An employee who has used all available sick leave and thirty days of annual leave may, with the approval of the President and Executive Director, use any remaining annual leave credit they may have. Denial of the use of annual leave as provided in this paragraph will be grounds for review by the Budget and Control Board upon request of the employee.

Note: Leave taken under this section may qualify as FMLA leave and if so, will run concurrently.

2. Scheduling leave

Aiken Technical College employees may be required to use annual leave during periods when the College is closed. These days will be specified according to the College calendar prepared each academic year. Employees will be notified in advance of days when use of annual leave will be mandatory.

To the degree possible, employees' requests for specific periods of annual leave shall be honored. However, considerations of workloads, work distributions, and similar factors may necessitate changes. Leave under this section may qualify as FMLA leave, and if so will run concurrently. Approval of the supervisor is required for:

- a. The specific periods the employee will be on annual leave, and
- b. The length of any annual leave, i.e., the number of consecutive working days in any one leave period.

3. Units of Annual Leave

An employee's annual leave credit shall be charged for the actual time (or at a minimum in quarter hour increments) an employee is away from the job.

4. Holiday During Leave

A holiday observed by the employing agency while an employee is on a period of annual leave that falls on a day that the employee would otherwise have been scheduled to work shall not be charged as a day of annual leave.

G. Credited Service

1. Employees hired prior to June 2, 1972

Employees hired as of June 2, 1972, shall carry forward all service as a State employee prior to June 2, 1972, for purposes of determining annual leave earnings.

2. Cumulative service

Subsequent to June 2, 1972, all employees who are rehired following a break in service shall be given credit for prior State service for purposes of computing bonus earnings. No credit shall be given for the period between the termination and reemployment. Any employee in a permanent position of a State agency or department must be given full State service credit for prior service as a certified employee of a school district of this State for purposes of computing bonus earnings and no credit under this paragraph may be given for an out-of-state teaching service or other service with any out-of-state school district.

3. Crediting leave for service of over ten (10) years

The increased leave earnings based upon service of over ten (10) years shall be granted to employees on a calendar month basis beginning the month after their adjusted anniversary dates.

4. Leave without pay and educational leave

Periods of authorized leave without pay or educational leave without pay of over thirty (30) working days in any one calendar year shall not be credited as service for determining annual leave earnings.

5. Anniversary date

An employee who is granted leave without pay shall have the State anniversary date advanced one calendar day for each calendar day of such leave beginning with the first workday after the expiration of the first ten (10) consecutive workdays granted for each occurrence for each leave without pay and for periods of breaks in service as defined below.

6. Leave to accrue while in leave with pay status

Annual leave will accrue to the credit of an employee who is in leave with pay status such as annual, sick, and military leave with pay.

7. Leave to accrue while in leave without pay status

Employees shall not earn annual leave while on leave without pay.

8. Break in service

An employee experiences a break in service under the following circumstances:

- a. When transferring from one State agency to another, an employee who does not report to work with the gaining agency within fifteen (15) calendar days following the last day for which the employee was paid by the losing agency.
- b. By remaining in leave without pay status for a period of more than one calendar year.
- c. By separation from State service and subsequent employment regardless of lapse of time. An employee is considered to have terminated from State service (as opposed to an interagency transfer) if they are paid for unused annual leave.

Exceptions

1. When an employee transfers from a position in which they earn both annual and sick leave to a teaching position or a position of academic rank at a State supported institution of higher learning, the employee shall be paid for accrued annual leave credits in accordance with Section I. All accrued sick leave credits shall be transferred in accordance with Section G.
2. Any employee in a permanent position separated from State service by a reduction in force shall not experience a break in service if the employee is re-employed within one year in accordance with the procedure under which the employee was separated.

Additional Exceptions

An employee in leave without pay status for more than one calendar year does not experience a break in service when:

- a. The employee is on educational leave.
- b. The employee is on a military tour of duty with re-employment rights protected under Federal and/or State law.

In the event a disciplinary act such as suspension or dismissal is set aside or the employee is re-employed as may be directed by a subsequent decision of a grievance hearing, the period in which the employee is not on the agency's payroll shall not be considered as a break in service.

H. Transfer From One State Agency to Another

Upon transfer of an employee without a break in service from one State agency to another, all accumulated annual leave shall be transferred with the employee from the losing agency to the gaining agency. In the new position the employee will continue to earn, be credited with, and be eligible to use annual leave in accordance with other provisions of these guidelines.

Exception

When an employee transfers from a position in which the employee earns both annual and sick leave to a teaching position or a position of academic rank at a State supported institution of higher learning, the employee shall be paid for accrued annual leave credits in accordance with Section I. In case of an employee transferring from a merit system agency who has a permissible maximum accumulation in excess of that currently authorized by the gaining agency, the

excess shall be transferred to the receiving agency and carried on the records of that agency.

Temporary grant employees must be paid accrued annual leave upon termination as outlined in the Temporary Grant Appointment form.

I. Hiring Additional Employees

Additional employees in permanent positions shall not be hired to replace employees on annual leave. When a vacancy occurs due to termination of employment, a replacement may be employed.

J. Termination of Employment

Upon termination of employment with Aiken Technical College for reasons other than retirement or death, employees shall be paid in lump sum for the authorized unused annual leave earnings accumulated to their credit, except that:

The total number of annual leave days used by an employee in that calendar year, plus the total number of annual days paid in lump sum to such employee, shall not exceed forty-five (45) days for full-time permanent employees. Part-time permanent employees' accumulation payments will be on a pro rata basis.

Leave credit is determinable as of the last day of work. No additional annual leave earnings apply during the period represented by a lump sum payment, and service credits are not given for such period.

K. Payment Upon Retirement or Death of Employee

Upon retirement from State employment or upon the death of an employee while in active service, a lump sum payment will be made for unused leave, not to exceed forty-five (45) days; upon the death of an employee while in active service, the employee's estate shall be entitled to the lump sum payment.

III. HOLIDAY LEAVE

A. Eligibility

All employees in full-time equivalent (FTE) positions shall be allowed to observe with pay those legal holidays listed in Section B of this procedure.

B. Legal Holidays

1. State Holidays

New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
George Washington's Birthday/ President's Day	Third Monday in February
Confederate Memorial Day	May 10
National Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans' Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday Following Thanksgiving
Christmas Day	December 25
Day after Christmas	December 26

2. Governor's Declaration

The Governor is empowered to declare Christmas Eve day of each year a holiday for State employees. If the Governor declares Christmas Eve day a holiday in a year that Christmas Eve day falls on Saturday or Sunday, the holiday shall be observed on the preceding Friday.

C. Holiday Observance Procedure

1. Aiken Technical College Human Resources Office will designate the holiday calendar with specific days the College will be closed to acknowledge each holiday for the calendar year.
2. Holidays are to be taken on the prescribed day in the holiday calendar for Aiken Technical College, on the day prescribed in Section B of this procedure. When a holiday falls on a Saturday or Sunday, it shall be observed on the preceding Friday or the following Monday, respectively, by employees working a Monday through Friday schedule. Employees scheduled to work on a Saturday or Sunday that is a holiday shall observe the actual holiday or receive holiday compensatory time in accordance with Section D of this procedure. Employees in FTE positions who do not work a normal Monday through Friday workweek shall receive no more and/no less number of holidays than those employees who work the normal Monday through Friday workweek.
3. The length of an employee's holiday is computed based on the number of hours in the employee's average workday. To determine the number of hours in a holiday, 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 reports to work).

4. When a holiday falls during a period of leave with pay, that day will be counted as a holiday, not as a day of leave.
5. Employees who are on leave without pay shall not be paid or receive holiday compensatory time for holidays falling during this period of leave without pay.

D. Holiday Compensatory Time

1. An employee of Aiken Technical College who is required to work on a holiday by their supervisor shall be given holiday compensatory time within one year from the date of the holiday at a time mutually agreed upon by the supervisor and the employee.

Should an Aiken Technical College employee be required to work on a holiday, the supervisor shall give the employee who must work advanced notice if possible.

2. An employee who must work a portion of the holiday due to a shift that begins on one day and ends on another shall be granted holiday compensatory time equal to all hours worked on the holiday.
3. All non exempt employees at Aiken Technical College, who are not allowed to take holiday compensatory time earned for working on a holiday within the one year period, shall be compensated for the holiday by Aiken Technical College at the straight hourly pay rate of the employee. Exempt employees shall not be paid for unused holiday compensatory time.
4. All non exempt employees shall be compensated for all holiday compensatory time upon separation from employment. Exempt employees shall not be paid for unused holiday compensatory time upon separation of employment.

E. Holiday Compensatory Time Record

Aiken Technical College shall maintain records for all employees who receive holiday compensatory time. Information contained in the record must include:

1. Compensatory time earned and used in terms of hours; and
2. The number of hours per week the employee is normally scheduled to work and the employee's average workday.

IV. OTHER LEAVE WITH PAY

A. Jury Duty, Grievance, and Court Leave

1. An employee in a permanent position who is summoned as a member of a jury panel shall be granted court leave with pay, and any jury fees and travel payment shall be retained by the employee. The employee must be on another authorized leave for any time the employee is excused from jury duty and does not return to work. Employees who are summoned to jury duty will be expected to work on any given day only the number of hours that, when added to the hours required being at court, equal the normal workday for the employee.
2. An employee in a permanent position subpoenaed as a witness shall be granted court leave with pay. If an employee will not receive any personal gain from the outcome of the litigation, the employee may retain any witness fee and payment for travel expenses.
3. An employee in a permanent position subpoenaed in line of duty to represent a State agency as a witness or defendant shall not be granted court leave with pay, and appearance in such cases shall be considered a part of the employee's job assignment. The employee shall be reimbursed according to Budget and Control Board regulations for any meals, lodging, and travel expenses that may be incurred while serving in this capacity.
4. In no case shall court leave with pay be granted for court attendance when an employee in a permanent position is engaged in personal litigation; however, an employee may be granted annual leave or leave without pay (when annual leave is not available). In such cases the approval of the agency is required.
5. Any day an employee in a permanent position is excused from service on a jury, the employee is expected to return to the job; otherwise, the time the employee is excused from court service will be charged to annual leave, or in the case of illness, to sick leave.
6. Any employee in pay status, and in a permanent position, appearing as a witness in an official capacity in a mediation or mediation-arbitration conference, shall be granted court leave with pay.
7. Any employee in pay status and in a permanent position appearing as a witness or in any other official capacity in a hearing before the State Grievance Committee shall be granted court leave with pay.

B. Elections

An employee in a permanent position who lives at such distance from assigned work location as to preclude voting outside of working hours, may be authorized a

maximum of two (2) hours of leave with pay for this purpose. An employee may not be granted voting leave to work at the polls during elections.

C. Short-Term Military Training

Aiken Technical College 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 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 fifteen (15) regularly scheduled work days in any one 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 Treasury, or any other department or agency of the government, or the Navy, or any other department or agency of the government of the United States having authority to issue lawful orders requiring military service. Saturdays, Sundays, and State holidays may not be included in the 15-day aggregate unless the particular Saturday, Sunday, or holiday to be included is a regularly scheduled work day for the officer or employee involved. In the event any such person is called upon to serve during an emergency, the employee is entitled to such leave of absence for a period not exceeding thirty (30) additional days. Any one year means either a calendar year or, in the case of members required to perform active duty for training or other duties within or on a fiscal year basis, the fiscal year of the National Guard or reserve component issuing the orders.

D. Long-Term Military

Every employee of the State or any political subdivision thereof who, on or after June 25, 1950, 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 their return to civil employment for a period of ninety (90) days thereafter, but in no event for a period longer than five (5) years from the date of entry into the armed forces of the United States, be entitled to leave of absence from their duties as an employee of the State or any political subdivision thereof, without loss of seniority or efficiency. 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.

Return to Work

Under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), an employee must provide timely notice of their intent to return to work. The period after the end of military service in which the employee must notify their immediate supervisor is based on the amount of time spent on military duty. For

service of less than 31 calendar days, the employee must return at the beginning of the next regularly scheduled work period on the first full day after release from military service, taking into account safe travel home plus an eight hour rest period. For military service of more than 30 calendar days, but less than 181 calendar days, the employee must provide notice of his or her intent to return within 14 calendar days of release from service. For service of more than 180 calendar days, notice must be submitted within 90 calendar days of release from service. Once an employee notifies their immediate supervisor of their intent to return to work, the actual date for reporting to work is negotiable.

E. Funeral Leave for Death in the Immediate Family

1. An employee in a permanent position, upon request, shall be granted up to three (3) consecutive work days of leave with pay on the death of any member of the employee's immediate family. Immediate family is defined as the spouse, great grandparents, grandparents, parents, brothers, sisters, children, grandchildren, and great grandchildren of either the employee or the spouse.
2. Each employee requesting administrative leave due to death in the immediate family shall submit a statement, to the Human Resources Office, stating the name of the deceased and relationship to the deceased.

V. EMPLOYEE LEAVE TRANSFER PROGRAM

A. Purpose

The following procedures establish the manner in which Aiken Technical College employees may voluntarily transfer sick leave, annual leave, and/or non-work days into a leave transfer pool from which other Aiken Technical College employees may request withdrawal for severe emergency and catastrophic circumstances if they meet certain criteria.

Temporary grant employees are not eligible to participate in the Employee Leave Transfer Program. The State Board's Executive Director delegates authority for approving leave transfer request to the Technical College Presidents. All proposed transfer request shall be reviewed by the Technical College's Human Resources staff to ensure compliance with all applicable procedures. The Executive Director reserves the right to withdraw delegation authority from an individual College based upon non-compliance with SBTCE system procedures.

B. Definitions

1. Personal Emergency: A personal or family medical 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.

2. **Leave Donor:** An employee with an approved voluntary written request for transfer of annual, sick leave, or non-work days to a leave transfer account.
3. **Medical Emergency (Personal or Family):** Personal or family medical emergencies under these procedures are limited to catastrophic debilitating medical situations, severely complicated disabilities, and severe accident cases. Routine disabilities or disabilities resulting from elective surgery do not qualify for leave transfer.
4. **Prolonged Period:** Prolonged period under these procedures is generally interpreted to be a minimum of thirty (30) working days. Generally, an employee must have been in a leave without pay status for at least thirty (30) working days or documentation must certify a medical emergency will result in an employee being in leave without pay for this length of time. Any employee, however, who is within thirty (30) days of eligibility for long term disability insurance or disability retirement and who has exhausted a substantial balance of accrued leave due to the prolonged emergency, shall be eligible for consideration when requesting approval for less than the thirty (30) day minimum requirement for leave transfer.
5. **Withdrawal Recipient:** An employee who has a personal, medical, or other hardship emergency and is approved to receive sick leave, annual leave or non-work days from a sick leave, annual leave, or non-work day transfer account.
6. **Local Transfer Accounts:** A local reserve is established and maintained at each College and the System Office for their respective employees. The local reserve will consist of separate sick and annual leave transfer accounts.

C. Leave Donation to Pool

1. General Information

- a. An employee wishing to donate sick leave, annual leave, or non-work days to the transfer pool may do so at anytime. An employee may not donate to a specific individual and when they make donations, they are giving the College the right to determine who may be eligible recipients.
- b. Once leave of an employee has been donated and transferred to a transfer pool account, it must not be returned to the leave donor.
- c. Employees are eligible to withdraw sick leave, annual leave, or non-work days from a respective pool account only if they are eligible to accrue the

corresponding type of leave under regular sick and annual leave policy and procedures.

2. Annual Leave Donation

An employee may voluntarily request in writing (Donation Request) that a specified number of hours of the employee's accrued annual leave or non-work days be transferred to the Transfer Pool Annual Leave Account.

3. Sick Leave Donation

An employee with more than fifteen (15) days accrued sick leave may voluntarily request in writing (Donation Request) that a specified number of hours of the employee's accrued sick leave be transferred to the Transfer Pool Sick Leave Account. In all cases, however, a minimum of fifteen (15) days sick leave must be in the employee's sick leave balance at the time the donation is effective.

4. Maximum Leave Donation

An employee may donate no more than one-half (½) annual leave and/or sick leave earned in a calendar year to the appropriate leave pool for that calendar year.

D. Leave Withdrawal From Pool

1. General Information

Eligible employees, occupying full-time equivalent positions, with an emergency may request sick leave, annual leave or non-work days from the respective transfer pool account by completing a Withdrawal Request. While there is no limit to the number of separate Withdrawal Requests that an employee may submit, each separate request shall be limited to no more than thirty (30) working days. The maximum amount of leave transfer per illness is a total of three (3) requests for a total of no more than ninety (90) work days per calendar year.

2. Withdrawal Criteria

A. Sick Leave

1. Bona Fide Medical Emergency: A medical emergency must be certified by a physician including the nature of the emergency and an estimate of the inclusive dates.

2. Substantial Loss of Income: To qualify for substantial income loss, the medical emergency must be for a prolonged period.
3. Sick and Annual Leave Exhausted: All sick and annual leave in the employee's regular sick and annual leave balance must be exhausted before sick leave can be transferred from the pool.
4. Ineligibility Due to Other Paid Benefits: Employees who become eligible for other paid benefits for periods of absence from work 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.
5. Thirty workdays of leave without pay, after exhaustion of annual and sick leave, or medical certification verifying that the employee will be or is anticipated to be out for at least thirty (30) workdays.

B. Annual Leave

1. Family Emergency or Personal Hardship: A family emergency related to illness or accident must be certified by a physician, including the nature of the emergency and inclusive dates. When the emergency relates to personal hardship that does not directly involve medical circumstances, then a detailed statement of the nature of the hardship must be provided by the employee and the hardship must be verified by reasonable methods.
2. Substantial Loss of Income: To qualify as substantial income loss, the family emergency or personal hardship must be for a prolonged period.
3. Annual and Eligible Family Sick Leave Exhausted: All annual leave and eligible family sick leave must be exhausted before annual leave can be transferred from the pool.
4. Employment Record: While the circumstances surrounding the emergency or hardship will be primarily used as the criteria for approval, the employee's record, including length of service, responsible use of leave, job performance, and other relevant factors, may also be used in determining approval.

C. Withdrawals

1. College Approval: The employee will submit a request to the employee's supervisor. The supervisor will review the request and forward it to the

Vice President of the division and the Human Resource Director. The Human Resource Director will forward to the President for final approval. There is no appeal of a disapproved request.

2. State Board Review: The Executive Director will review the approved Withdrawal Requests from the Colleges to ensure uniform application of approval criteria, policy, and procedures, and either approve or disapprove. There is no appeal of a disapproved request.

D. Use of Approved Leave Withdrawals

1. When a Withdrawal Request has been approved in accordance with the above guidelines, Aiken Technical College may transfer all or any portion of the respective sick leave, annual leave, or non-work day transfer pool account to the regular sick leave, annual leave or non-work day balance of the withdrawal recipient.
2. Upon approval of a request, a withdrawal recipient may use annual leave, sick leave, or non-work days from the respective pool in the same manner and for the same purposes as if the withdrawal recipient had accrued the leave in the manner provided by regular sick leave, annual leave, or non-work day regulations.
3. Annual or sick leave transferred under this program may be substituted retroactively for periods of leave without pay or used to liquidate indebtedness for advanced sick leave. Whether transferred leave may be applied retroactively and for what length of time will be determined on a case by case basis in light of the justification presented.
4. Annual or sick leave that accrues in the regular annual or sick leave balances of the leave withdrawal recipient must be used before using any leave from the transfer pool.

E. Terminating Leave Transfer Use

1. The use of leave from the pool by the withdrawal recipient terminates when the Human Resources Office determines that the emergency no longer exists or the withdrawal recipient's employment terminates.
2. The Human Resources Office shall effectively monitor the status of the withdrawal recipient's emergency and establish procedures to ensure that the withdrawal recipient is not permitted to receive or use transferred annual leave, sick leave, or non-work days from the pool after the emergency ceases.

3. When the emergency affecting a withdrawal recipient terminates or when employment terminates, any transferred annual leave, sick leave, or non-work days remaining to the credit of the withdrawal recipient must be restored to the respective transfer pool account by completing a Leave Restoration Request. When employment terminates, transferred leave from a pool account must not be transferred to another employee, include in a lump sum payment for accrued leave, or included in the withdrawal recipient's total service for retirement computation purposes.

VI. LEAVE WITHOUT PAY

The granting of a leave of absence with or without pay is based on request, submitted in writing via normal supervisory channels, and approved by the President. Any leave of absence must be approved in advance except in the case of emergencies that may occur due to illness/injury or personal problems.

Leave without pay may not be taken at the option of the individual employee. These conditions may qualify for leave without pay:

1. Extended disability (after sick leave balance is exhausted).
2. Extended military leave.
3. Disability absence covered by Worker's Compensation.
4. Absence due to hazardous weather.
5. Other personal problems, subject to approval from the President.

VII. FACULTY NONWORK DAYS

Faculty includes all College personnel whose primary responsibility is direct classroom instruction or a combination of instructional, supervisory, and/or management responsibilities in direct support of instruction. Professional librarians are considered to be faculty and are subject to the provisions of this procedure.

- A. Faculty does not accrue annual leave or holiday leave. In lieu of the accrual of annual leave and in recognition of normal State holidays, provision is made to grant full-time faculty, in permanent positions, a minimum of twenty-two (22) non-work days, per thirty-nine (39) week academic term. In addition, a system to grant bonus non-work days is as follows:

10 years, but less than 15 years of continuous State service	23 days;
15 years, but less than 20 years of continuous State service	24 days;
20 or more years of continuous State service	25 days;

Non-work days are granted based on the number of completed academic years of continuous State service as of the beginning of the fall term.

A number of faculty non-work days are mandatory and scheduled within the institutional academic calendar in keeping with institutional policy and procedures. Faculty is required to observe the scheduled non-work days, unless specific prior approval is granted by the Vice President for Academic Affairs.

Non-work days not scheduled in the academic calendar may be used as emergency or personal leave days with prior approval of the appropriate official(s) in accordance with institutional policy and procedures. Faculty members are permitted to use two (2) non-work days each semester as personal leave. These days may not be made up and are not in addition to the 22 non-work days granted. All emergency or personal leave days for faculty must be taken in full-day increments, except when faculty work a regularly scheduled work week structured to consist of at least 37.5 hours. Non-work days not scheduled in the academic calendar and not taken as emergency or personal leave days by the end of the academic term may be carried forward in accordance with Section II of this procedure.

Full-time faculty members who are employed during the summer term(s) are granted additional non-work days at the rate of .38 days per week worked, not to exceed five (5) days. When determining the appropriate number of eligible non-work days for faculty working pro-rata (less than full-time) during the summer term(s), the non-work days will also be prorated.

When calculating the number of eligible non-work days for faculty employed after the beginning of the fall term or when a faculty member terminates employment, the eligible non-work days are based on the pre-defined academic calendar.

NOTE: Incumbent academic division chairpersons/deans and librarians whose leave provisions were governed by SBTCE Procedure 8-3-100.1 prior to fall quarter 1991 shall continue to be governed by such procedure so long as they remain in the same faculty position.

- B. Faculty may carry forward up to five (5) unused non-work days each academic year. When banking a non-work day(s), the faculty member should notify the Vice President of Academic Affairs by completing a Request for Banked non-Work Day(s) form. Once carried forward, accumulated non-work days may only be taken, with the written approval of the Vice President of Academic Affairs. Non-work days accrued in the summer term are not available to be banked (carried forward).

Upon termination of employment with Aiken Technical College, the faculty member shall be paid in lump sum for non-work days accumulated, up to forty-five (45) days. Upon the death of a faculty member while in active service, the estate of the deceased faculty member shall be entitled to the lump sum payment not to exceed forty-five (45) days.

- C. Faculty members may voluntarily donate unused non-work days to a non-work day pool from which other faculty members may request withdrawal for catastrophic or severely debilitating personal or family medical emergencies. The donation and use of non-work days shall be in accordance with the provisions of SBTCE Employee Leave Transfer Program procedure.
- D. At the discretion of the Vice President of Academic Affairs, deans/chairs, and librarians may have flexibility when scheduling non-work days. However, the non-work days must be used or banked before the beginning of the new academic year.
- E. In accordance with 19-708 of the State Human Resource Regulations and Section 53-5-20 of the South Carolina Code of Laws, when the Governor declares Christmas Eve day a holiday, faculty shall be granted an additional non-work day. This day will be granted at the discretion of the College (banked day, incorporated into the academic calendar, etc...).
- F. Faculty is required to take non-work days in full-day increments.

VIII. HAZARDOUS WEATHER AND EMERGENCY LEAVE

Accountability for Time Lost During Declaration of Emergency

When the Governor makes a Declaration of Emergency, all offices are to be closed and employees, except for essential personnel, are excused from reporting to work. Employees will account for time lost, selecting from the following alternatives:

- A. Use accrued annual leave or faculty non-work days;
- B. Take leave without pay;
- C. Take accrued compensatory time (non exempt employees);

- D. Make up time lost from work within ninety (90) days at a time(s) scheduled by the Executive Director/Chief Executive Officer or designee; or
- E. In accordance with SC Code of Laws 8-11-57, the Governor can provide State employees with up to five days of leave with pay for absences from work due to the state of emergency for hazardous weather.

Agencies will receive official notification of the Governor's decision for leave with pay for absences from work due to the state of emergency for hazardous weather.

Essential Personnel

It may be determined by the President that essential personnel (security, maintenance, etc...) are needed to maintain the facilities during extreme weather or emergency situations. The President shall identify essential employees by position and post a list thereof. No change of the essential employee roster should be authorized after the Governor's declaration of emergency.

Procedure Review		
Review Date	Reviewed By	Date Completed
07/01/2007		
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