

SUPPORT STAFF LEAVES AND ABSENCES

Code **GDC** Issued **7/11**

Purpose: To establish the basic structure for support staff leaves and absences.

NOTE: This policy -- and accompanying administrative rule -- may include sick leave (to include Family and Medical Leave Act requirements), personal/emergency/legal leave, maternity/paternity/parental leave, military leave and conferences/training workshops. Vacations and holidays are the subject of a separate policy.

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

- uninterrupted continuity of education
- greater teacher-student contact time
- appropriate role-model emulation
- consistent support of classroom discipline
- reduced cost

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 compliance with this policy and its accompanying administrative rule.

Absent employees must comply with procedures set out in the administrative rule which accompanies this policy.

Employee's use of leave is subject to the following provisions

During the first five days of student attendance in the school term and the last five days of student attendance in the school term, an employee may take leave **only** for personal illness, family illness or death in the family. In case of other verifiable, extenuating circumstances, the superintendent or his/her designee may grant leave time during the above periods. The employee must secure written permission from his/her principal or supervisor prior to requesting an exception from this provision from the superintendent or his/her designee.

Sick/Personal leave

Accrual of sick leave

All full-time employees of the district accrue leave at the following rate.

- 12 workdays per year for 180 to 195-day employees (8 sick leave, 4 personal leave)
- 12.5 workdays per year for 200-day employees (8.5 sick leave, 4 personal leave)
- 13 workdays per year for 205 to 215-day employees (9 sick leave, 4 personal leave)
- 14 workdays per year for 220 to 230-day employees (10 sick leave, 4 personal leave)

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- 15 workdays per year for 235 to 260-day employees (11 sick leave, 4 personal leave)

Sick/Personal leave will be advanced to full-time employees at the start of each fiscal year using the above accrual rates. For the purpose of this policy, “full-time” employee will be defined as any person employed in a permanent position for a minimum of 30 hours per week. Personal leave not used by the end of the fiscal year will be rolled into the employee’s sick leave balance. Accrued leave not taken will be cumulative to a maximum of 105 workdays.

Personal leave

Personal leave may be used for personal reasons provided prior approval of the supervisor is obtained and the request does not fall on the day immediately before or immediately following a holiday. If the request for personal leave, with the immediate supervisor’s approval, includes the workday immediately before a holiday or a workday immediately following a holiday, then deductions from the employee’s pay will be calculated and deducted at the employee’s current daily rate of compensation.

In cases of verifiable, extenuating circumstances, the superintendent or his/her designee may grant personal leave with pay on the day immediately before or immediately following a holiday. The employee must secure written permission from both his/her principal or supervisor and the superintendent or his/her designee prior to taking the personal day.

Absences for personal reasons for which accumulated personal leave is not available will result in a deduction from pay calculated at the employee’s current daily rate of compensation. Staff members who earn annual leave will have their annual leave charged in lieu of reduction in salary when annual leave is available.

Sick leave

Sick leave is to be used by the employee for his/her personal illness; however, sick leave may be used for the illness of his/her immediate family members. Immediate family is defined as parents, stepparents, guardians, spouse, children, stepchildren, parents-in-law, daughter-in-law, son-in-law, siblings, grandparents, grandchildren and other dependents living in the home. Dependents are defined by IRS guidelines.

The use of sick leave may be subject to verification. After the employee has used five normally scheduled consecutive workdays, the district reserves the right to require that an employee submit a doctor's statement verifying an illness as requested by the building principal or employee's immediate supervisor.

If an employee's use of sick leave forms a pattern and abuse is suspected, the principal/supervisor may also require a doctor's statement.

If the recipient of advanced 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 for such used but unearned sick leave will be deducted from the employee’s final paycheck.

Extended sick leave

An employee who finds it necessary to request extended sick leave of more than 10 consecutive workdays must make such request in writing to his/her immediate supervisor and to the superintendent or his/her designee as soon as the illness has been medically determined. The written request must include the statement of a licensed physician indicating the anticipated date, time and duration of illness and the approximate date the employee may be able to return to work. Extension of leave of this type will be approved on a case-by-case basis.

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Upon return to work, the employee must present Greenwood School District 50's Return to Work Form completed by a licensed physician verifying that the employee is able to return to work. An employee who returns from leave of absence will be assigned to the same or similar duties, which he/she performed prior to going on leave, if this is considered by the administration to be in the best interest of the district. The district reserves the right to request continuation of sick leave if restricted duties are not available.

Support employees will be assigned to duties in keeping with their training and qualifications. If the administration does not consider it to be in the best interest of the district to assign the employee to the position he/she had prior to going on leave or to a similar position, the district will offer the employee a position for which he/she is qualified. The district will place the employee on the payroll at his/her pre-leave salary status.

Legitimate absence for illness for which accumulated sick leave is not available will be charged to the employee's personal leave/annual leave or deducted from the employee's pay. Deductions from pay will be calculated at the employee's current daily rate of compensation.

Termination

The district may terminate the employment of any employee who fails to comply with the requirements of this policy and accompanying administrative rule, who fails to report to work at the expiration of authorized leave or who fails to obtain an extension of leave within five business days.

An employee is subject to termination from employment with the district for misstatements of fact and/or misrepresentations of purpose for which leave of absence is desired or on the basis of which sick leave is obtained.

The district will not terminate from employment those employees under this policy who have accrued sick leave and who are using it in compliance with this policy. The district must not terminate from employment any such employee during a continuing sick leave of less than 91 workdays.

Transfer of sick leave

An employee of a state agency transferring to a school district of this state or a school district employee transferring to a state agency is permitted to transfer to and retain at his/her new employer all sick leave he/she accumulated at his/her former employer regardless of his/her employment status at the new employer. Sick leave not to exceed 60 days lost by a school district employee as a result of changing employment from the school district to a state agency or by a state 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.

Reimbursement for unused leave

All full-time employees who have accumulated excess sick leave days above 90 will, at the end of each school year, receive pay at the rate of one-half the average substitute teacher pay rate for each unused sick leave day in excess of 90 days, i.e., a maximum of 15 days per fiscal year.

All full-time employees, upon retirement or separation from employment with the district, will receive pay for all accumulated sick leave days not to exceed 105 workdays at the rate of one-half average substitute teacher pay rate. Employees who become active retirees with a South Carolina

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Retirement System entity and are hired by the district will not be compensated for any accrued sick leave or annual leave. Annual and sick leave days may be earned and accrued, but no compensation will be paid for unused days.

Teacher and Employee Retention Incentive (TERI) program employees

Employees entering the TERI program are eligible to receive pay for any accumulated sick leave days not to exceed 105 workdays at the rate of one-half average substitute teacher pay rate. The employee may elect to use up to 90 sick leave days upon entering the TERI program for the purpose of increasing service credit. Sick leave used for the purpose of TERI will be deducted from the employee's leave balance.

Organ donor leave

Any employee who wishes to be an organ donor and who accrues annual or sick leave as part of his/her employment is entitled to leaves of absence from his/her respective duties without loss of pay, time or leave for one or more periods not exceeding an aggregate of 30 regularly scheduled workdays in any one fiscal year during which the employee may engage in the donation of his/her organs. Saturdays, Sundays and state holidays may not be included in the 30-day aggregate unless the particular Saturday, Sunday or holiday to be included is a regularly scheduled workday for the officer or employee involved.

The employee must show documentation from the attending physician of the proposed organ donation before leave is approved that confirms that the employee is the donor.

Emergency/Legal/Bereavement leave

Emergency leave

An employee may request an emergency leave not to exceed three days from the superintendent or his/her designee provided a suitable explanation has been given for the request. If the superintendent or his/her designee determines that the request is of an emergency nature, permission for leave will be granted. Emergency absences will result in a deduction in the employee's pay in an amount equal to one-half his/her daily rate of pay. For absences described in this section that are not of an emergency nature, the employee will receive no pay for any day missed for this reason. Non-emergency absences would include pleasure trips, vacations, visits by unexpected guests, etc. Sick days are not reduced for approved emergency leave.

Legal leave

Civil - subpoena

Civil leave may be used when a court official requiring the employee's presence in a non-personal legal matter subpoenas an employee. A copy of the subpoena must be provided to the employee's supervisor and the payroll department prior to the court date.

Civil - jury duty

Any employee serving on a jury must endorse his/her check (pay for jury duty, excluding travel) to the school district and no deduction will be made from his/her salary or accrued sick leave for being absent from his/her position. This means that no employee will be penalized for having to serve on a jury, but also that no employee may profit financially from such service.

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An employee serving on jury duty must either complete a leave form or enter the absence on AESOP at least three business days prior to the start of jury duty. A copy of the summons must be provided to his/her supervisor prior to jury duty.

An employee serving on jury duty must report to his/her position either prior to jury duty or after jury duty, if one-half of the normal workday can be completed. Failure to report or return to work may result in the absence being changed to personal leave.

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

Bereavement leave

The board is very sensitive to the employee's needs during the bereavement of family members.

Provisions for employee absences during bereavement have been established to allow three consecutive paid leave days immediately following the death of a spouse, child, stepchild, parent or stepparent. In addition, two consecutive sick leave days may be used in conjunction with the three district-paid days.

Earned sick leave of three consecutive days may be used for bereavement immediately following the death of grandparents, grandparents-in-law, parents-in-law, guardians, grandchildren, brothers, brothers-in-law, sisters, sisters-in-law, sons-in-law or daughters-in-law.

One earned sick leave day may be used for bereavement immediately following the death of any other family members.

Military leave

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 workday for the employee.

The 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 such leave of absence for a period not exceeding 30 additional days.

The board expects employees to request their annual training for a period when school is not in session. An employee seeking leave for annual active duty training must forward a written request, including the appropriate verifying data, to the superintendent or his/her designee no later than 30 days prior to the pre-arranged military activity.

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Active duty

Employment

It will be the policy of the district that employees or applicants for employment who are members of the armed services are not treated adversely in employment matters because of such membership. In compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994, the district will not discriminate against employees or applicants for employment because of their membership or application for membership in the armed services and will reemploy, in the same or equivalent positions, employees who undergo a period of absence due to military service.

The reemployment requirements of the Act are applicable to all applications for reemployment initiated after December 12, 1994. An employer must reemploy any employee who left work due to military obligations so long as the following occur.

- The employee gives advance written or verbal notice of the service, unless such notice is impossible or unreasonable.
- The cumulative length of the absence and all previous absences with that employer due to military service does not exceed five years.
- Upon completion of the period of service, the employee notifies the employer of his/her intent to return to work.

The five-year maximum does not include training or service that is required beyond five years to complete an initial period of obligated service.

Discharge protection

If an employee serves more than 180 consecutive days, the employer cannot discharge the employee, except for cause, for one year from the date of reemployment. If the employee serves from 31-180 days, the employer cannot discharge the employee, except for cause, for 180 days of reemployment.

Health plans

Upon commencement of military service, an employee may elect to continue the health plan he/she had with the employer for a maximum of one year without applying to EIP for approval from the date of commencement of service or the day after the date he/she fails to return to his/her position with the employer, whichever is less. If the employee continues insurance coverage during military LWOP (leave without pay), coverage will be continued at the same levels and the employer will continue to pay the employer share of premiums during the leave. Some coverage is not available during military LWOP. If the employee does not continue available coverage during military LWOP, coverage may be reinstated, without penalty, upon discharge or release from active duty and return to work.

The employee must provide a copy of his/her orders to drop coverage during military leave. The request to reinstate coverage must be made within 31 days of discharge or the loss of military insurance coverage.

Pension benefit plans

For purposes of pension benefit plans, a reemployed person must be treated as not having incurred a break in employment. An employee cannot be deemed to have forfeited any benefits due to military service and, during service, his/her benefits will be deemed to have accrued at

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his/her regular rate. The employer must fund a reinstated employee's benefit plan and provide matching contributions as if there were no break in employment. If the accrued benefits are contingent upon employee contributions, the employer is liable for funding the plan only to the extent the employee actually makes such contributions, either during service or upon reemployment.

An active member of the South Carolina Retirement System called to active duty may arrange with his/her employer prior to the leave to continue to remit monthly contributions. The contributions are based on the member's salary immediately prior to the leave and must be reported through the employer.

Military caregiver leave

An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. The employee is entitled in that period to no more than 12 weeks of leave for any of the other type of FMLA leaves.

Requesting military caregiver leave

A request must be made to the assistant superintendent for human resources or his/her designee detailing the request for leave and the approximate period of leave required.

Qualifying exigency leave

An eligible employee who is the spouse, son, daughter or parent of an active duty service member or a service member on call to active duty status may request a qualifying exigency leave not to exceed a maximum of 12 weeks. The qualifications for this leave may be any of the following.

- Short-notice deployment: Leave to address any issue that arises from an impending call or order to active duty in support of a contingency operation seven days or less prior to the date of deployment.
- Military events and related activities: Leave to attend any military ceremony, program or event related to the active duty or call to active duty status or to attend certain family support or assistance programs and informational briefings.
- Childcare and school activities: Leave to arrange or provide for childcare or school-related activities.
- Financial and legal arrangements: Leave to make or update various financial or legal arrangements.
- Counseling: Leave to attend counseling (by someone other than a healthcare provider) when necessary as a result of the active duty or call to active duty status.
- Rest and recuperation: Leave to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment (up to five days).
- Post-deployment activities: Leave to attend arrival ceremonies (including funeral or memorial services), reintegration briefings and events and any other official ceremony or program sponsored by the military for a period of 90 days following active duty status.

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- Additional activities: Leave to address other events arising from military duty agreed upon between employer and employee.

The district may require a copy of the covered military member's active duty orders or other military documentation to support the qualifying exigency.

Family and Medical Leave

To be eligible for family medical leave, an employee must have been employed by the district for a total of 12 months and worked at least 1250 hours over the 12-month period preceding the leave. An employee who has worked less than 12 months during current employment may still be eligible if, during the prior seven years, he/she has worked a total of 12 months.

Spouses who are both employed by the district are jointly entitled to a combined total of 12 workweeks of family leave. All eligible employees will be required to use accrued sick leave concurrently with family and medical leave. Family and medical leave will begin with the onset of leave for a qualifying condition. All leave approved for family and medical leave must meet the provisions of the Family and Medical Leave Act of 1993 (FMLA).

When FMLA leave is foreseeable, the employee must provide at least 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 will make a reasonable effort to schedule treatment (including intermittent and reduced hour leave) so as not to disrupt unduly the operation of the district.

Eligible employees may take up to 12 weeks of unpaid leave during any 12-month period (based on a "rolling 12-month period") for the following reasons.

- for the birth and care of a newborn child of an employee
- for placement with the employee of a child for adoption or foster care
- to care for an immediate family member (spouse, child or parent) with a serious health condition
- to take medical leave when the employee is unable to work because of a serious health condition

In dealing with birth, adoption and foster placement, when both spouses are employed by the district, the combined amount of leave for birth, adoption, foster placement and illness of a parent will be limited to 12 weeks.

Time taken off work due to pregnancy complications can be counted against the 12 weeks of family and medical leave.

Insurance while on FMLA leave

While under approved FMLA leave, the employer will continue to pay the employer share of the premiums. If the employee enters a LWOP (leave without pay) status at any time during his/her leave, the employee may elect to drop all or portions of his/her coverage. Coverage may be reinstated without penalty when the employee returns from leave.

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Requesting FMLA leave

An employee must obtain and complete either the certification for employee leave form or the certification for family member leave form within 15 days of requesting FMLA leave. The form should be submitted to the assistant superintendent for human resources or his/her designee for review. The employee will be notified in writing of whether the leave is approved, denied or if more information is needed within five business days.

Extension of FMLA leave

To request an extension of FMLA leave, the employee must provide a doctor's excuse to substantiate the need for an extension. Should the extension requested exceed the time covered by law (12 weeks) of FMLA leave, the leave will then fall under the "Extended sick leave" portion of this policy.

Intermittent FMLA leave

An employee may request intermittent FMLA leave under the third and fourth bullets under the section entitled "Family and Medical Leave" on a reduced leave schedule if it is medically necessary. If an employee requests such leave that is foreseeable based on planned medical treatment, the district may require such employee to transfer temporarily to an available alternative position for which the employee is qualified and that does the following.

- has equivalent pay and benefits
- better accommodates recurring periods of leave than the regular employment position of the employee

Certification to return from leave

Upon return to work, the district requires the employee to obtain and complete the Greenwood School District 50's Return to Work Form which will provide certification by his/her health provider that the employee is able to resume work. The district may, under certain circumstances, request the employee remain on leave, if the leave will expire close to the end of a school term.

When the employee returns to service, he/she will be assigned to duties in keeping with his/her training and qualifications. If the administration does not consider it to be in the best interest of the district to assign the employee to the position he/she had prior to going on leave or to a similar position, the district will offer the employee a position for which he/she is qualified. The district will place the employee on the payroll at his/her pre-leave salary status.

The rules and regulations of the state department of education governing increments for years of service and retirement credit will apply to persons on maternity and childcare leave in the same manner as for any other temporary disability.

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/her or her control), the employer may recover the premium expenditures extended during the leave period.

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Conferences/Training workshops

The district may grant professional 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.

For further information, refer to administrative rule GDC-R.

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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. Title 38 U.S. Code, Chapter 43, Sections 4301-4333, Public Law 103-353 - The Uniformed Services Employment and Reemployment Act of 1994 (USERRA).

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 8-11-65 - Organ donor leave.
4. Section 9-1-2210 - Teacher and Employee Retention Incentive Program.
5. Section 14-1-190 - Compensation received for jury duty deemed to be expense money.
6. Section 14-7-845 - Relating to optional postponement of jury service for students and employees.
7. Section 25-1-2250 - Employees entitled to leave with pay when serving in National Guard.
8. Section 59-1-400 - Sick leave for public school district employees.