



SOUTH CAROLINA DEPARTMENT OF AGRICULTURE

ANNUAL LEAVE/SICK POLICY AND PROCEDURE

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I. SCOPE AND PURPOSE

This regulation governs annual and sick leave policies for employees in full-time equivalent (FTE) positions.

II. POLICY STATEMENT

A leave record shall be maintained by the South Carolina Department of Agriculture (SCDA)/Human Resources for each employee covered under the provisions of the leave regulations. Such records shall be subject to audit by the Division of State Human Resources of the Department of Administration.

All requests for leave should be requested and approved 24 hours in advance except in the case of emergencies that may occur due to illness or extenuating circumstances. Supervisors should be notified as soon as possible in such cases. Supervisors shall notify SCDA Human Resources immediately of unauthorized absences in excess of **3** days and any absences involving leave without pay. Absences that exceed **3** days may be covered under the Family Medical Leave Act (FMLA) and should be reported to SCDA Human Resources.

III. RECORD KEEPING

For record keeping purposes, leave is credited to the South Carolina Enterprise Information System (SCEIS) after one-half of the working days of the month have passed and working time and leave are approved by supervisors for all non-exempt employees. It is the responsibility of the supervisor to ensure the accuracy of attendance and leave records. Falsification of any attendance or leave record shall be cause for disciplinary action up to and including termination.

IV. ANNUAL LEAVE

A. Eligibility

Annual leave shall be accrued by (a) full-time employees occupying FTE positions; (b) part-time employees occupying FTE positions who are scheduled to work at least one-half the workweek of the agency on a 12-month basis. Employees shall not earn leave for any month in which they are not in pay status for one-half or more of the workdays of the month.

B. Computation

1. Employees who are in pay status one-half or more but not all of the workdays of the month shall earn annual leave for the full month. If they are in pay status for less than one-half the workdays, they shall earn no annual leave.
2. Employees shall earn annual leave while on annual leave, sick leave, or other authorized leave with pay. Employees shall not earn annual leave while on leave without pay.
3. Employees' annual leave earnings are computed based on the number of hours in the employee's workday.
4. Employees' annual leave earnings are based on the employee's leave accrual date. The leave accrual date reflects:
 - a. All State service in a FTE position, including part-time service, adjusted to reflect periods of leave without pay of over 30 consecutive workdays and periods when there was a break in service;
 - b. All service as a certified employee in a permanent position of a school district of this State; and
 - c. At the discretion of the agency head or designee, all service in any temporary capacity counted towards the employee's probationary period.

C. Rate of Earnings

Full-time employees earn one and one-quarter (1 1/4) days of annual leave per month based on the average number of hours in the employee's workday. In addition, employees with more than ten years of service shall earn an additional one and one-quarter (1 1/4) days per year for each year of continuous State service in excess of ten years. The number of annual leave hours that may be earned in any one calendar year shall not exceed 30 days. Leave earnings are prorated for part time employees. All service as a certified employee in a permanent position of a school district of this State must be used to calculate the leave accrual date.

Chart 1-Earning Rate-Five days, 37.5 hours per workweek schedule:

| Years of Service | Days Per Year | Hours Per Month |
|------------------|---------------|-----------------|
| 1-10 | 15.00 | 9.375 |
| 11 | 16.25 | 10.156 |
| 12 | 17.50 | 10.937 |
| 13 | 18.75 | 11.718 |
| 14 | 20.00 | 12.500 |
| 15 | 21.25 | 13.281 |
| 16 | 22.50 | 14.062 |
| 17 | 23.75 | 14.843 |
| 18 | 25.00 | 15.624 |
| 19 | 26.25 | 16.406 |
| 20 | 27.50 | 17.187 |
| 21 | 28.75 | 17.968 |
| 22 & over | 30.00 | |

Chart 2-Five days, 40 hours per workweek schedule:

| Years of Service | Days Per Year | Hours Per Month |
|------------------|---------------|-----------------|
| 1-10 | 15.00 | 10.000 |
| 11 | 16.25 | 10.833 |
| 12 | 17.50 | 11.666 |
| 13 | 18.75 | 12.500 |
| 14 | 20.00 | 13.333 |
| 15 | 21.25 | 14.167 |
| 16 | 22.50 | 15.000 |
| 17 | 23.75 | 15.833 |
| 18 | 25.00 | 16.667 |
| 19 | 26.25 | 17.500 |
| 20 | 27.50 | 18.333 |
| 21 | 28.75 | 19.167 |
| 22 & over | 30.00 | 20.000 |

D. Maximum Accrual and Carryover

Full-time employees shall be permitted to carry over from one calendar year to the next any unused annual leave up to a total of **45** days. Maximum accumulations are prorated for part-time employees. Any eligible employee that carries over the maximum accumulation into a calendar year shall also be entitled to earn and use annual leave up to maximum **30** days during that calendar year. The maximum accumulation of **45** days may be carried over into the next calendar year.

Employees who change from a schedule of 37.5 or 40 hours a week to fewer hours per week retain the current maximum carryover. If this maximum drops below current carryover, the lesser amount becomes the new maximum carryover.

E. Maximum Use Allowed 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 **30** work days. For the part-time employees, the maximum accumulation will be the prorated portion of the 30 work day maximum offered to full time employees on an average 5 day workweek schedule.

Exception: The 30 working day maximum of annual leave that may be used in one year may be exceeded for emergency or serious health conditions of the employee or the employee's immediate family as well as FMLA qualified reasons. For emergency or extreme hardship conditions as referenced in S.C. Code of Laws 8-11-670, the agency head or designee may allow an employee, who has used all accumulated sick leave and thirty days of annual leave, to use any remaining annual leave which he/she has accumulated.

F. Requests for Annual Leave and Use of Annual Leave

1. Requests for annual leave must be submitted in advance through the self-service portal or on the official Request for Leave form. At the supervisor's discretion, an employee may be required to adhere to an internal procedure in seeking approval for annual leave prior to submitting the notification.
2. To the degree possible, an employee's request for a specific period of leave will be honored. However, supervisors will take into consideration workloads, work distributions and similar factors that will be subject to the approval or denial of annual leave for specific periods. An employee must not take leave prior to approval of the request.
3. Use of annual leave should be calculated in quarter hour increments.
4. The number of hours requested for annual leave must reflect the total number of hours scheduled per day.
5. At the discretion of the supervisor, annual leave may be substituted for sick leave that has been exhausted for non-qualifying FMLA purposes.
6. Supervisors are responsible for monitoring each employee's use of annual and sick leave. Supervisors will ensure that an employee does not use more than the maximum amount of annual leave allowed per year, or use more than the amount of sick leave or annual leave accrued by the employee.

G. Holiday during Leave

A holiday observed by the Agency while an employee is on a period of annual leave shall not be charged as a day of annual leave. However an employee whose regularly scheduled hours exceed the holiday leave, which is based on the average work day, day may be required to use some annual leave hours to observe a holiday and the number of hours requested for annual leave must be in accordance with the policy. Part-time employees will be treated the same as full-time employees in applying holiday guidelines.

H. Credited State Services

Cumulative State Service

An employee rehired following a break in service is given credit for prior State service in an FTE position for the purposes of computing leave earnings. No credit shall be given for the period between termination and reemployment. Any employee in an FTE position must be given full State service credit for prior service as a certified employee of a school district of this State for the purposes of computing annual leave earnings. It is the responsibility of the employee to inform the Agency of any prior creditable State service.

Crediting Leave for Service Over Ten Years

Employees on a five-day per workweek schedule with State service time of more than ten years shall earn a bonus of 1 ¼ workdays of annual leave for each year of service over ten years. The increased leave earnings based upon service of over ten years is granted to employees in the same calendar month as their leave accrual date for anniversaries on or before the 15th of the month. Otherwise, the increased leave earnings are granted the following month.

Accrual Date (Anniversary Date)

The date used to calculate an employee's rate of annual leave earnings includes: **(1)** all State service in an FTE position, including part-time service (not temporary), adjusted to reflect periods where there was a break in service; and **(2)** all service as a certified employee in a permanent position of a school district of this State.

I. Transfer from one State Agency to Another

1. An employee who transfers without a break in service from one agency to another shall transfer all accumulated annual leave.
2. When a full-time FTE employee transfers to an agency that has a different workday, his annual leave at the transferring agency shall be converted to equivalent days of annual leave at the receiving agency.
3. When an employee transfers to a teaching position of academic rank at a State supported institution of higher learning, the employee is paid for accrued annual leave.
4. When an employee with a maximum carryover in excess of 45 workdays transfers from one agency to another, the employee shall retain the higher maximum carryover at the receiving agency. If the employee subsequently reduces the amount of leave carried over, the reduced amount, if in excess 45 work days, shall become the employee's maximum carryover into future years. If the employee further reduces the amount of such leave carried over to 45 workdays or less, 45 workdays shall be the maximum amount of unused leave the employee may carryover thereafter. During the calendar year, the employee may earn annual leave in excess of the 45 workdays; however, the employee may only carryover 45 workdays to the next calendar year.

J. Annual Leave Payment upon Leaving Employment

Upon separation from State employment, a lump sum payment will be made for unused annual leave, not to exceed 45 days, without regard to the amount of leave taken during the calendar year.

Upon the death of an employee while in active service, the estate of the deceased shall be entitled to the lump sum payment for unused annual leave, not to exceed 45 workdays.

Exception: An employee beginning participation in the TERI program after June 30, 2005, will not receive payment for unused annual leave upon retirement and entering the TERI program. The employee will maintain his current annual leave balance. After the employee terminates from State employment and ends participation in the TERI program, the employee will be eligible to receive payment up to 45 days of unused annual leave.

V. SICK LEAVE

A. Eligibility

Sick leave shall be accrued by (a) full-time employees occupying FTE positions; (b) part-time employees occupying FTE positions who are scheduled to work at least one-half the workweek of the agency on a 12-month basis. Employees shall not earn any leave for any month in which they are not in pay status for one-half or more of the workdays of the month.

B. Computation

1. Employees who are in pay status one-half or more of the workdays of the month will earn sick leave for the full month. If they are in pay status for less than one-half of the workdays, they shall earn no sick leave.
2. Employees shall earn sick leave while on sick leave, annual leave or other authorized leave with pay. Employees shall not earn sick leave while on leave without pay.
3. Employees' sick leave earnings are computed based on the number of hours in the employee's workday.

C. Rate of Earnings

All employees in FTE positions shall earn sick leave beginning with the date of employment at the rate of one and one-fourth (1 ¼) workdays per month of service or 15 days per year. To determine the number of hours in a workday, 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 reported to work.)

D. Maximum Accrual and Carryover

Full-time and part-time employees in FTE positions shall be permitted to earn up to 195 workdays of sick leave. Full-time and part-time employees in FTE positions shall carryover from one calendar year to the next any unused sick leave up to a total of a total maximum carryover of 180 workdays except as noted in the Division of State Human Resources Regulation 19-710.02.C.2.

E. Sick Leave Advancement

In extenuating circumstances, SCDA Human Resources may advance up to fifteen **15** days of additional sick leave upon concurrence from the Office/Division. SCDA Human Resources may advance this leave only upon written verification from a healthcare practitioner that the employee is expected to return to work within that period of time and approval from the agency director. Upon return to work, the employee will have all earned sick leave applied to the leave deficit at the rate of one and one-quarter (1 ¼) days per month (or if part-time, the monthly earning rate) until the deficit has been eliminated.

F. Notification and Verification

Except in cases of extenuating circumstances, an employee must notify his/her supervisor as soon as possible at the beginning of the workday if the employee is unable to report to work due to illness. Failure to do so could result in the employee being considered to be in unauthorized leave status and subject to disciplinary action.

The use of sick leave is subject to verification. The agency has the discretion to request a physician's statement to document leave for absences requested due to illness. Human Resources should be consulted to ensure adherence to the Family and Medical Leave Act (FMLA). Absences which exceed three consecutive work days (with or without pay) normally require a physician's statement to return to work. Should additional documentation be required, the employee will receive a written notice of the requirement.

Supervisors are responsible to monitor each employee's use of annual and sick leave. Supervisors will ensure that an employee does not use more than the maximum amount of annual leave allowed per year, or use more than the amount of sick leave or annual leave accrued by the employee.

G. Use of Sick Leave

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

1. Personal illness or injury that incapacitates the employee to perform duties of the position;
2. Exposure to a contagious disease such that the presence on duty could endanger the health of fellow workers;
3. Appointments for medical or dental examination when such appointments cannot reasonably be scheduled during non-working hours; (Note: If possible, examination appointments must be approved in advance by the agency designee.)
4. Sickness during pregnancy or other temporary disabilities; (Note: If possible, the date on which sick leave for disability is to begin shall be at the request of the employee based on the determination and advice of a health care practitioner.)
5. Treatment of alcoholism and drug addiction; (Note: In accordance with section 8-11-110 of the SC Code of Laws which recognizes alcoholism as a treatable illness, sick leave will be granted for the purpose of participating in public and/or private treatment and rehabilitation programs which have been approved by the South Carolina Department of Mental Health.)
6. Caring for ill members of the employee's immediate family; (Note: Employees earning sick leave may use up to 10 days (prorated for part-time employees) of sick leave in a calendar year to care for members of their immediate family.) For purposes of this paragraph "immediate family" is defined as the employee's spouse and children and the following relations to the employee or spouse of the employee: mother, father, brother, sister, grandparent, legal guardian and grandchildren.
7. Caring for an adoptive child after placement; (Note: Adoptive parents may use up to six weeks of their 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.)

H. Transfer of Leave to/From another State Agency

1. Employees who transfer without a break in service from one State agency to another shall transfer his earned sick leave. Any transferred sick leave shall be adjusted to the scheduled workweek of the receiving 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 sick leave shall be transferred.
2. 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 and retain at the new employer all sick leave accumulated at the former employer regardless of his employment status at the new employer.

I. Holiday during Sick Leave

A holiday observed by the agency while an employee is on a period of sick leave shall not be charged as a day of sick. However, an employee whose work schedule rule has he/she scheduled for more hours than the average may be required to use some sick leave to observe a holiday. The number of hours requested for sick leave must reflect the total number of hours normally worked in accordance with the Holiday Policy.

J. Sick Leave upon Separation of Employment

1. **Retirement** - an employee shall receive retirement service credit for not more than 90 days of unused sick leave at no cost to the employee. The leave must be credited at a rate where twenty days of unused sick leave equals one month of service. This additional service credit may not be used to qualify for retirement.
2. **Upon leaving employment with the State** - (other than retirement), employee shall forfeit all accumulated sick leave credits.
3. **Up to Six Month Exception to Break in Service** - An employee who has received prior approval for an extension to the 15-day break in service shall have his sick leave restored if transferred or appointed to another FTE position within the approved time period.
4. **Reduction in Force Rights** – An employee who is reinstated within one year of the date of separation shall have his sick leave restored.

K. Declaration of Family and Medical Leave

Leave taken under the Sick Leave Guidelines may be declared as Family and Medical Leave (FMLA) and, if so, will run concurrently.

L. Exhaustion of Sick Leave

Once sick leave is exhausted, employees have the option of using annual leave for FMLA or a serious illness qualifying for extended disability. An employee may request annual leave for absence due to illness (non-FMLA). Approval of annual leave for non-FMLA purposes is at the discretion of the supervisor.

VI. EXTENDED DISABILITY

- A.** For any period of certified disability due to illness, injury or maternity, exceeding the amount of accrued sick leave, the employee may request leave to include leave without pay not to exceed a period of 180 calendar days. SCDA shall require, prior to approval of an extended disability, certification by a health care practitioner to include the projected inclusive dates of disability. Dates set forth in the health practitioner's certificate may be amended. SCDA may require additional documentation from the health care provider or may secure additional medical opinions from other health care practitioners.
- B.** The request shall not be denied for a bona fide illness or disability if the employee is in an FTE position.
- C.** Should the employee return within the approved 180-day period, SCDA shall reinstate the employee to the same position or one of a comparable pay band for which the employee is qualified.
- D.** If the employee is unable to return to work within the 180-day period, the agency must separate the employee.
- E.** In extenuating circumstances two extensions may be available:
 1. The Commissioner may extend the 180-day period of leave to a total of 365 days provided the health care practitioner certifies the employee's return within this time period; and
 2. The Commissioner may request from the Division of State Human Resources an extension of the disability leave beyond the 365 days without a break in service provided the health care practitioner certifies the employee's return to work within the time frame of the requested extension.

VII. EXCEPTIONS

A. ANNUAL LEAVE EXCEPTION

An employee who changes from being full-time to part-time or from part-time to full-time, without a break in service, shall retain the annual leave hours previously earned. If this change results in the employee having a maximum accumulation in excess of 45 workdays, as of the effective date of the change, the employee shall not forfeit the excess. The employee shall retain this excess leave which shall be the maximum amount the employee may carry-over into future years. If the employee subsequently reduces the amount of such leave carried over, the reduced amount, if in excess of 45 workdays, shall become the employee's maximum carryover into future years. If the employee further reduces the amount of such leave carried over to 45 workdays or less, the 45 workdays shall become the maximum amount of unused annual leave the employee may thereafter carryover. During the calendar year, an employee may earn annual leave in excess of 45 workdays; however, an employee may only carry over 45 days into the next year.

B. Sick Leave Exception

An employee who changes from being full-time to part-time or from part-time to full-time, without a break in service, shall retain the sick leave hours previously earned. If this change results in the employee having a maximum accumulation in excess of 180 workdays, as of the effective date of the change, the employee shall not forfeit the excess. The employee shall retain this excess leave which shall be the maximum amount the employee may carry-over into future years. If the employee subsequently reduces the amount of such leave carried over, the reduced amount, if in excess of 180 workdays, shall become the employee's maximum carryover into future years. If the employee further reduces the amount of such leave carried over to 180 workdays or less, the 180 workdays shall become the maximum amount of unused sick leave the employee may thereafter carryover. During the calendar year, an employee may earn sick leave in excess of 180 workdays; however, an employee may only carry over 180 days into the next year.