



South Carolina
DEPARTMENT OF AGRICULTURE
HUMAN RESOURCES DEPARTMENT

1200 Senate Street, Wade Hampton Bldg 5th Floor, Columbia, SC 29201

Hugh E. Weathers, Commissioner

OTHER LEAVE POLICY

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. SCOPE AND PURPOSE

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

II. LEAVE WITH PAY

A. Administrative Leave

Employees in FTE positions who are physically attacked while in the performance of official duties and suffer bodily harm as a result of the attack must be placed on administrative leave with pay rather than sick leave. The period of administrative leave per incident may not exceed 180 calendar days.

B. American Red Cross Certified Disaster Service Leave

An employee who is a certified disaster service volunteer for the American Red Cross may use up to 10 days of paid leave in a calendar year to participate in specialized disaster relief services with the approval of Deputy Commissioner or Commissioner.

C. Blood Drive and Donation Leave

Employees are permitted to participate in agency-arranged blood drives during the employee's regular work hours at those times as may be determined by the agency without using accrued leave. State employees desiring to donate blood at a time other than an agency-arranged volunteer blood drive must be excused from work during the employee's regular work hours for the purpose of making the donation without prejudice to the employee and no leave or makeup time may be required. Any employee desiring to donate blood shall notify his/her

supervisor of the scheduled donation and the amount of time needed for the donation as far in advance as may be practicable. The supervisor may deny the employee's request for time to donate if the absence of the employee would create an extraordinary burden on the agency. In considering the employee's request, the supervisor/agency shall take into consideration such factors as type of blood donation, workload, etc. The agency may, as a condition of approving the request, require the employee to provide documentation of the donation.

D. Bone Marrow Donor Leave

Any employee in an FTE equivalent position who works an average of 20 hours or more a week and who seeks to undergo a medical procedure to donate bone marrow may be granted a paid leave of absence. The total amount of paid leave may not exceed 40 work hours unless a longer length of time is approved by the Commissioner. Such leave may require verification by a healthcare practitioner of the purpose and length of each request.

E. Court Leave

1. Any employee in an FTE 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. Employees that 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 to be at court, equal the normal workday for the employee.
2. Any employee in an FTE position subpoenaed as a witness shall be granted court leave with pay and may retain any witness fees or payment for travel if they do not receive any personal gain from the outcome of the litigation.

3. Any employee in an FTE position subpoenaed in the line of duty to represent the SCDA or a State agency as a witness or defendant shall 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 for meals, lodging, and travel expenses that may be incurred while serving in this capacity in accordance with existing guidelines.
4. In no case shall court leave with pay be granted for court attendance when an employee is engaged in personal litigation. However, an employee may be granted annual leave or leave without pay in such cases with prior supervisory approval.
5. Any day an employee is either excused or has completed service on a jury, the employee is expected to return to the job. Otherwise, the time the employee is either excused or has completed court service will be considered as unauthorized leave unless the employee requests and has approval for annual leave, or in the case of illness, sick leave.

F. Death in Immediate Family Leave

1. An employee, upon request, shall be granted up to three consecutive workdays of leave with pay on the death of any member of the employee's immediate family. For this policy, immediate family is defined as the spouse, great-grandparents, grandparents, parents, legal guardians, brothers, spouse of brothers, sisters, spouse of sisters, children, spouse of children, grandchildren, and great-grandchildren of either the employee or the spouse.
2. An employee requesting leave for a death in the immediate family is required to submit a leave request to the supervisor stating the name of the deceased and the relationship to the deceased.

G. Military Leave (Short-term Military Training)

All 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 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 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.

Saturdays, Sundays, and state holidays may not be included in the 15-day aggregate unless the Saturday, Sunday, or holiday to be included is a regularly scheduled workday for the employee involved. In the event any such person is called upon to serve on active duty in a combat zone and all available military leave is exhausted, they are entitled to receive an additional 30 workdays of military leave in any one year. Any one year means either a calendar year or the fiscal year (for members required to perform active duty for training or other duties within or on a fiscal year basis) of the National Guard or reserve component issuing the orders.

H. Voting Leave

An employee who lives at such distance from the assigned work location as to preclude voting outside of working hours may be authorized a maximum of two hours of leave with pay for this purpose. An employee may not be granted election leave to work at the polls during elections. However, annual leave may be approved at the discretion of the supervisor.

III. LEAVE WITHOUT PAY

For leave without pay for disability illness, injury, or maternity leave see Family Medical Leave (FMLA) Policy and the Furlough and Leave Without Pay Policy.

A. Military Leave (Long Term Military Leave of Absence)

Every employee 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 shall be granted leave without pay beginning with the date of induction and ending 90 calendar days after the date of separation from military service 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. During such leave of absence, the employee shall be entitled to retain all seniority and efficiency rating. However, such time while on military leave without pay shall not count toward eligibility for merit salary advancement.

B. Educational Leave

An employee is encouraged to schedule classes during off-duty hours, whenever possible. When a class cannot be scheduled during off-duty hours, the Deputy Commissioner may adjust the employee's work schedule, if doing so will not interfere with normal efficient operations of the Division. When a class cannot be scheduled during off-duty hours and the Division cannot feasibly adjust the work schedule of the employee, the employee may be allowed to take annual leave or may be granted leave without pay in order to attend classes, if doing so will not interfere with normal efficient operations of the Division. See Annual and Sick Leave Policy. There may be situations when the agency will be unable to accommodate the employee's request for educational leave.

IV. HAZARDOUS WEATHER

- A. The Governor has the sole authority to excuse employees of State government from reporting to work during extreme weather or other specified emergency conditions. The Governor shall issue a Declaration of Emergency stating that because of extreme weather or other specified emergency conditions, employees should not report to their assigned work location, or if a field employee, conduct field work in their assigned territory. Unless such a Declaration of Emergency has been issued, all employees are expected to report to work. The official notification and updates will come from the South Carolina Emergency Management Division (SCEMD) at the following website: [scecmd.org](https://www.scecmd.org).
- B. The Declaration may be applicable to all employees in the entire state or only to those employees in one geographical region of the state or a combination of geographical regions. Non-essential employees who live or work within the region(s) specified in the declaration will not be expected to report to their work location or in the field, if a field employee. The Governor will determine and direct when and if state agencies and departments shall close or operate on an abbreviated schedule in Richland and Lexington counties. State agencies and departments in all other counties will follow the decision made by officials in that county. All FTE employees who are normally scheduled to work less than 40 hours per week are required to work remotely to the maximum extent possible during hazardous weather or other declared emergency events. For each instance of a declaration of a state of emergency, the Governor may provide FTE State employees with up to five days of leave with pay for absences from work due to a state of emergency for hazardous weather.
- C. During a Declaration of Emergency, all essential and direct care services will be maintained. Deputy Commissioners and/or Program Directors shall identify essential employees by position, classification, or internal title and post a list thereof. No change of the essential employee roster should be authorized after the Governor's Declaration of any emergency.
- D. Nothing contained in this section precludes the necessary, immediate evacuation of a facility by an individual in a supervisory capacity in the interest of personal safety.
- E. The hazardous weather and emergency policy shall be applicable to all employees of SCDA.
- F. "Emergency conditions" means circumstances that would expose State employees to harmful or unsafe conditions as determined by the Governor's Office.
- G. Notification of Declaration of Emergency
 - 1. The official notification and updates will come from the Emergency Management Division at the following website: [scecmd.org](https://www.scecmd.org).
 - 2. The Governor's Office will issue a statement to the news media concerning State employees reporting to and/or leaving worksites that differ from their normally scheduled hours.
 - 3. Employees will assume an individual responsibility to respond in an appropriate manner to closings as they may be announced.
 - 4. Employees are expected to take reasonable steps (e.g. bringing equipment home) when hazardous weather is forecasted, and are expected to make a good faith effort to work remotely to the fullest extent possible during the event.
 - 5. Employees are expected to stay in contact with their direct supervisor or designee periodically during working hours of the declared emergency and provide a summary of work performed to the fullest extent possible during the event.