

Other Leave Programs

LP 5.9

Effective:
9/10/2019

Revised:
9/10/2019

Policy Owner:
Board of Trustees

Policy Administrator:
Human Resources Director

Affected Parties:
Employees

Table of Contents:

- I Summary
- II Other Leave Programs
 - A. Administrative
 - B. Adoption
 - C. Disaster Service
 - D. Blood Drive
 - E. Bone Marrow Donor
 - F. Court Leave
 - G. Immediate Family death
 - H. Educational
 - I. Extended Disability
 - J. Hazardous Weather
 - K. Military
 - L. Voting
 - M. Worker's Compensation
 - N. Organ Donor
 - O. Leave of Absence

THE LANGUAGE USED IN THE LANDER POLICY FOR ADMINISTRATION AND STAFF DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND LANDER UNIVERSITY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. LANDER RESERVES THE RIGHT TO REVISE THE CONTENT 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. LANDER UNIVERSITY'S OFFICE OF HUMAN RESOURCES HAS THE AUTHORITY TO INTERPRET THE UNIVERSITY'S HUMAN RESOURCES POLICIES.

I Summary

Lander University recognizes the important contributions made by staff members who have given many years of dedicated service prior to retirement. This policy provides procedures for the conferring of Staff Emeritus/Emerita status, a title of distinction, upon retired staff members who have made considerable meritorious contributions consistent with the mission and vision of Lander University throughout their careers. Emeritus/Emerita status is an earned honor and a privilege and is not automatically conferred upon retirement.

This policy applies only to staff members, who are defined as any classified, full-time, non-faculty employees. This policy does not apply to faculty members or part-time employees.

II Other Leave Programs

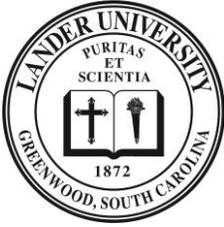
This policy governs the leave programs other than annual, sick leave, and holidays, per the South Carolina Human Resources Regulations 19-712.¹

A. Administrative Leave

State employees in full-time equivalent (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 by their employers rather than sick leave. The period of administrative leave for each incident may not exceed 180 calendar days. Denial of the use of administrative leave by the university will be grounds for review by the Division of State Human Resources (DSHR) upon request of the employee. Administrative review by DSHR will be final.

B. Adoption Leave

An adoptive parent who is employed by this State, its departments, agencies, or institutions may use up to six weeks of his or her earned



Other Leave Programs

sick leave to take time off for purposes of caring for the child after placement. The university shall not penalize an employee for requesting or obtaining time off according to this Section. 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.

C. 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 the university designee.

D. Blood Drive and Donation Leave

1. Agencies may periodically arrange volunteer blood drives for their employees. The blood drives may be held at the times and places as may be determined by the President or designee. The university's employees are permitted to participate in the blood drive during their work hours without using sick and annual leave.
2. An employee desiring to donate blood at a time other than a university- arranged volunteer blood drive must be excused from work by his or her university 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 as provided in § 8-11-175 of the South Carolina Code of Laws shall notify his or her university of the scheduled donation and the amount of time needed for the donation as far in advance as may be practicable. The university may deny the employee's request for time to donate if the absence of the employee would create an extraordinary burden on the university. In considering the employee's request, the university shall take into consideration such factors as the necessity and type of blood donation, and any other factor the university considers appropriate. The university may, as condition of approving the request, require the employee to provide documentation of the donation.

E. Bone Marrow Donor Leave

An employee 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 bone marrow donor leave with pay. The total amount of paid leave may not exceed 40 work hours unless a longer length of time is approved by the President or designee. Such leave may require verification by a health care practitioner of the purpose and length of each request. If a medical determination finds that the employee does not qualify as a bone marrow donor, the paid leave of absence granted to the employee before that medical determination is not forfeited.

F. Court Leave

1. Jury Duty (With Pay)
 - a. An employee, who is summoned as a member of a jury panel, shall be granted court leave with pay. Any jury fees and travel payment shall be retained by the employee.



Other Leave Programs

This court leave with pay shall not apply to agencies whose employees are exempt from jury duty by law.

- b. An employee, who is excused from jury duty and was not required to be at court the number of hours equal to the employee's workday, is required to return to the job according to arrangements between the employee and the university designee. The employee must be on authorized leave for any time the employee is excused from jury duty and does not return to work.
 - c. An employee who is summoned to jury duty will be required to work on any given day only the number of hours that equal the employee's work schedule, minus the hours required to be at court.
2. Subpoenaed as a Witness (With Pay)
An employee, who is subpoenaed as a witness and who will not receive any personal gain from the outcome of the litigation, shall be entitled to court leave with pay for those hours required for the subpoena and may retain any witness fee and travel expenses.
 3. An employee, who is victim of or witness to a crime and must attend court in relation to the case or to obtain an Order of Protection or restraining order, shall receive court leave with pay.
 4. Exceptions
 - a. An employee engaged in personal litigation is not eligible for court leave with pay but may be granted annual leave or leave without pay with appropriate authorization.
 - b. When an employee is subpoenaed to represent the university as a witness or defendant, his or her appearance is considered a part of the employee's job assignment. The employee shall be reimbursed for any meals, lodging, and travel expenses that may be incurred according to the rules and regulations as provided by the Office of the Comptroller General.
 - c. When an employee attends, in an official capacity, a mediation or mediation-arbitration conference, his or her attendance is considered a part of the employee's job assignment.
 - d. When an employee appears as a witness or in any other official capacity in a hearing before the State Employee Grievance Committee, his or her appearance is considered a part of the employee's job assignment.

G. 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. 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, great-grandchildren of either the employee or the spouse.
2. An employee requesting leave for a death in the immediate family shall submit a statement to the appropriate authority stating the name of the deceased and the relationship to the deceased.



Other Leave Programs

H. 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 university may adjust the employee's work schedule, if doing so will not interfere with normal efficient operations of the university. When a class cannot be scheduled during off-duty hours and the university 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 to attend classes

I. Extended Disability

Under the Americans with Disabilities Act (ADA), the Americans with Disabilities Act Amendments Act (ADAAA), and other applicable law, certain extended impairments may be protected as disabilities and may require reasonable accommodation. In certain cases, the use of leave may be considered a reasonable accommodation. Determinations regarding reasonable accommodations should be made on a case-by-case basis as dictated by the circumstances.

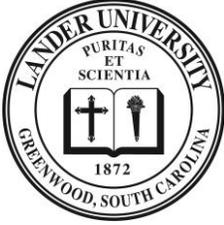
The university shall require, prior to approval of leave as a reasonable accommodation, certification by the health care practitioner to a reasonable degree of medical certainty to include at a minimum: (a) the date on which the disability commenced; (b) the probable duration of the condition and a probable return date; and (c) appropriate medical facts within the knowledge of the health care practitioner regarding the condition and any work limitations. Dates set forth in the health care practitioner's certificate may be amended. The university may require additional documentation from the health care practitioner issuing the certificate or may secure additional medical opinions from other health care practitioners. If an employee's health care practitioner or the employee identifies a disability as long-term, the university may suggest to the employee to contact the Public Employee Benefit Authority (PEBA) as soon as possible to evaluate eligibility for any appropriate benefits, such as insurance or retirement, if the employee believes it would be appropriate

J. Hazardous Weather and Emergency Leave

1. Upon issuing a Declaration of Emergency, the Governor has the authority to excuse all employees of State government from reporting to work during extreme weather or other emergency conditions. "Emergency conditions" means circumstances that would expose employees to harmful or unsafe conditions as determined by the Governor's Office. Unless such a Declaration of Emergency has been issued, all State government employees are expected to report to work.

Exception - Nothing contained in this Section precludes the necessary immediate evacuation of a facility by an individual in an appropriate supervisory capacity in the interest of personal safety

2. The Declaration may be applicable to all employees in the entire State, or only to those employees who live or work in one geographical region of the State, or a combination of geographical regions.
3. During a Declaration of Emergency, all essential and direct care services will be maintained. Each state entity shall identify and notify essential employees by position, classification, or



Other Leave Programs

internal title. All other employees will not be expected to report to work.

4. Notification of Declaration of Emergency

Upon the communication of the Declaration of Emergency from the Governor's Office to the South Carolina Emergency Management Division, the South Carolina Emergency Management Division will communicate the Declaration of Emergency to each state entity.

5. Compensation During Declaration of Emergency

Notwithstanding any other provisions of law, when the Governor declares a state of emergency for the State or any portion of the State, he or she can provide State employees with leave with pay for absences from work due to the state of emergency for hazardous weather of up to five days for each declaration of a state of emergency. If the Governor does not provide State employees with leave with pay, an employee who does not report to work or who reports late to work shall use annual leave or compensatory time to make up hours scheduled but not worked, take leave without pay, or be allowed to make up the hours at a time to be scheduled by the university. The employee must be given the option of making up the hours if the employee so desires.

K. Military Leave

1. Short Term Military Training

All officers and employees of this State or a political subdivision of this State, 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 average workdays 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 university 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 officer or employee involved. In the event any such person is called upon to serve during an emergency, he or she is entitled to such leave of absence for a period not exceeding 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.

A state employee in a full-time position who serves on active duty in a combat zone and who has exhausted all available leave for military purposes is entitled to receive up to thirty additional work days of military leave in any one year.



Other Leave Programs

2. Long Term Military Leave of Absence

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 his or her return to his or her civil employment for a period of 90 days thereafter, but in no event for a period longer than five years from the date of entry into the Armed Forces of the United States, be entitled to leave of absence from his or her duties as an employee of the State or any political subdivision thereof, without loss of seniority or efficiency or register ratings. 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.

L. 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. To work at the polls during elections, an employee must be on authorized leave.

M. Worker's Compensation Leave

1. If there is an accidental injury arising out of and in the course of employment with the State, which is covered under Workers' Compensation, an employee who is not eligible for or who has exhausted his or her paid administrative leave, shall make an election to use either earned leave time (sick or annual or both) or Workers' Compensation benefits awarded in accordance with Title 42 of the South Carolina Code of Laws.
2. The employee shall make an election under one of the following options:
 - a. To use sick leave, annual leave, or both. When earned leave is exhausted before the employee can return to work, the employee shall be entitled to Workers' Compensation benefits at the time leave is exhausted;
 - b. To use Workers' Compensation benefits awarded in accordance with Title 42 of the South Carolina Code of Laws, as amended; or
 - c. To use sick leave, annual leave, or both on a prorated basis in conjunction with Workers' Compensation benefits according to the formula approved by the Department of Administration.
3. Before the election is made, the effect of each available option on the employee's future leave earnings must be explained to the employee by the employing entity. The election must be in writing and signed by the employee and the person who explains the options. The election of the employee is irrevocable as to each individual incident.
4. Regardless of which option an employee elects, he or she would continue to be eligible for payment of medical costs provided by the State Accident Fund.



Other Leave Programs

N. Organ Donor Leave

All officers and employees of this State who wish to be an organ donor and who accrue annual or sick leave as part of their employment are entitled to leaves of absence from their respective duties without loss of pay, time, leave, or efficiency rating for one or more periods not exceeding an aggregate of 30 regularly scheduled workdays in any one calendar year during which they may engage in the donation of their 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 officer or 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.

O. Leave of Absence

To grant any leave of absence with or without pay, the university must approve the leave of absence. An employee who is granted leave of absence with or without pay shall be:

1. An employee of the State while on such leave; and
2. Returned to the same position, or one in a comparable pay band for which the employee is qualified.

Any leave of absence must be approved in advance except in case of medical or personal emergencies. These situations must be justified to the president or president's designee for approval.

¹ South Carolina State Human Resources Regulations, Effective September 1, 2016:
<https://admin.sc.gov/files/2016%20HR%20Regulations-Combined%20Website%20Version.pdf> | <https://archive.is/0AMVo>