

PROFESSIONAL STAFF LEAVES AND ABSENCES

Code **GCC** Issued **12/16**

Purpose: To establish the basic structure for all types of professional staff leaves and absences.

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

- the uninterrupted continuity of education
- greater teacher-student contact time
- appropriate role-model emulation
- consistent 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 may take leave in accordance with this policy and its accompanying administrative rule.

Absent employees must comply with procedures set out in the administrative rule which accompanies this policy. Failure to comply may result in disciplinary action, up to and including termination.

Sick Leave

Accrual of sick leave

All full-time employees of the district will accrue sick leave on the basis of one and one-fourth days of sick leave for each month of active service. This will provide the following:

- 12 days for nine months (190 days)
- 13 days for 10 months (210 days)
- 14 days for 11 months (220 days)
- 15 days for 12 months (240 days)

An employee may accumulate up to 90 days of sick leave which is accrued but not used provided that such employee does not violate his/her respective contract.

For the purposes of this policy, a full-time employee will mean any person employed in a position for which certification is required by the South Carolina Department of Education or a person who has been employed in the school district for five months and works at least 30 hours per week.

Use of sick leave for absences

An employee may use sick leave for absences caused by personal illness. A written request to the human resources department for a leave of absence is required if an employee is to be absent more than five consecutive work days.

Use of accrued leave for illness in the immediate family

Accrued sick leave days, up to a maximum of 90 days, may be used for serious illness in the employee's immediate family. An employee who anticipates requiring extended (more than five work days) leave to provide care for a family member must submit a written request to the

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human resources department as far in advance as possible. The request for extended leave for this purpose must include a statement from a licensed medical doctor giving the expected time the employee will be needed to provide care for a family member. The request must be approved by the superintendent or his/her designee. The term "immediate family" includes the following:

- spouse
- son, stepson
- daughter, stepdaughter
- mother, stepmother
- father, stepfather
- brother, stepbrother
- sister, stepsister
- grandparents
- guardian and ward or other relative living in the household at the time of illness

For good and sufficient cause, as determined by the district, upon a request in writing by an employee who has exhausted accrued sick leave, the superintendent may grant additional leave without pay, not to exceed a total of 91 work days (which total includes all accrued sick leave taken by the employee) in any one school year. Upon good and sufficient cause, as determined by the district, the board may grant additional leave without pay beyond that authorized by the superintendent upon written request of the employee and upon such terms as the board may provide.

The district will assign an employee who returns to work the same or similar duties which he/she performed prior to going on leave, if such assignment is in the best interest of the district. 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, 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. If no such position is available, the employee will remain on payroll in an inactive status until the end of the 90 days. If no position is available at the end of the 90-day period for which the employee is qualified, and the employee has not been granted an extended leave without pay as set forth above, the district may terminate the employee.

Advancement of leave

The district will advance 12 days of sick leave to all full time employees at the beginning of each school year. Employees may use these 12 days as sick leave or personal leave. An employee may not carry forward personal leave from one contract year to another. Any days of personal leave at the end of the year will be designated as sick leave and may only be used for personal illness or serious illness in the employee's immediate family.

Any employee who has been advanced and used leave day(s) prior to the date that the leave has been earned and accrued under this policy will be required to reimburse the district at his/her daily rate for the day(s) in question in the event that the employee leaves the district's employment for any reason. If the employee does not reimburse the district prior to receipt of the employee's final paycheck, this reimbursement will be made through payroll deduction.

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.

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An employee is subject to termination from employment with the district for misstatements of fact and/or misrepresentations of purpose for which a 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 will not terminate from employment any such employee during a continuing sick leave of less than 91 work days. If at the end of the 91st day of leave, or at the end of the additional leave approved by the board, the employee fails to report to work, their employment will be terminated.

Transfer of sick leave

An employee of a state agency transferring to any school district in the state or a school district employee transferring to a state agency may transfer to and retain all sick leave he/she accumulated at his/her former place of employment.

Reimbursement for unused leave

At the end of the fiscal year, the employee will be paid \$15 per day for accrued days over 90.

Employees who separate for retirement purposes will have the option to use accumulated sick leave days to expand service credit for retirement.

Teacher and Employee Retention Incentive (TERI) Program

An active member of the South Carolina Retirement System who is eligible may elect to participate in the Teacher and Employee Retention Incentive (TERI) program. A program participant is retired for retirement benefit purposes. The employee retains all other rights and benefits of an active employee.

Accumulated days (sick leave)

District employees who elect to participate in TERI and have the option to use any or all of their accumulated balance of sick leave, not to exceed 90 days, to expand service credit for retirement. Any remaining balance of accumulated sick leave will be carried forward as the employee enters the TERI phase of his/her employment. Future sick leave accrual will be based on the district's sick leave policy. Sick leave accrued during the TERI phase cannot be used to expand service credit for retirement.

Accumulated days (annual leave)

District employees who earn vacation or annual leave days and enter the TERI program may be compensated for any or all of their accumulated annual leave, not to exceed a total of 30 days, upon the beginning of TERI, termination of TERI or the termination of active retiree employment.

Family and Medical Leave Act (FMLA)

The board will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA). Eligible employees are entitled to 12 work weeks of unpaid family and medical leave in any 12-month period. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. The district will continue to pay the district's share of the employee's health benefits during the leave. In addition, the district will restore the employee to

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his/her original position or to an equivalent position with equivalent pay, benefits and other terms of employment after the termination of the leave in accordance with board policy.

In complying with the FMLA, the district will adhere to the requirements of the Americans with Disabilities Act as well as other applicable federal and state laws.

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

Bereavement/Personal/Emergency/Legal Leave

Bereavement leave

Professional personnel may take a maximum of five days accrued sick leave in the event of the death of a spouse, child, mother, or father.

The district allows a maximum of three accrued sick leave days in the event of the death of an employee's brother, sister, grandmother, grandfather, grandchild, mother-in-law, father-in-law, brother-in-law, and/or sister-in-law.

Personal leave

All full-time certified personnel are eligible to take a maximum of 12 days of accrued leave a year as personal leave. Personal days are a part of the total number of days allotted per year for sick leave.

An employee's supervisor must pre-approve all requests for personal leave. Requests must be made five days prior to the leave. Personal leave may not be taken during the following periods without permission from the superintendent or his/her designee:

- first and last week of the school year
- regularly scheduled examinations
- days of in-service training
- the day immediately before and after a holiday

Emergency leave

For emergencies and unusual situations not covered by the leave policies of the district, an employee may request the superintendent's authorization for use of sick leave days. The employee must submit the request in writing through the principal or supervisor to the superintendent.

Legal absence

The district will grant employees leave without loss of pay when they are summoned for jury duty or subpoenaed in the line of duty to represent the district as a witness or defendant. Employees should submit a copy of a jury duty summons or subpoena to his/her supervisor upon receiving notification. Whenever a juror is dismissed before the end of the working day, he/she will return to his/her official duties. When selected for jury duty, teachers, certified personnel at the building level or bus drivers may request a postponement to a date that does not conflict with the school term.

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Maternity/Paternity Leave

A pregnant employee is eligible for extended illness leave. While on leave, she may receive pay for accumulated sick leave as provided herein.

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 federal fiscal (10/1 through 9/30) 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.

This 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 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 no later than 30 days prior to the pre-arranged military activity.

Extended military leave

In accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), the district will grant an unpaid military leave of absence for a period not to exceed five years to any employee who requests such leave in order to perform service in the uniformed services. During such extended military leave, the employee will not accrue leave and will not be entitled to district-paid health insurance benefits.

An employee who leaves the district for a military leave of absence is entitled to re-employment in the district if he/she meets the eligibility criteria established by USERRA. The district will place such an employee in the same position or in a position of like status and pay, unless the district's circumstances have changed such that reemployment in the same or a similar position is unreasonable.

The district reserves the right to request written substantiation of the basis for any employee request for leave. Falsification of reason for leave may be cause for disciplinary action, up to and including termination of employment

Conferences/Training Workshops

The board believes that it is desirable to provide professional leave for teachers in order to attract and retain faculty who will continue to grow professionally and enhance their service to the public schools of the district.

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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.

The superintendent may also authorize professional leave for attending state, regional, and national meetings, workshops, and conferences (including observing in other schools) without pay deduction. The employee must apply for prior approval through his/her supervisor.

The superintendent will determine the number of absences allowable for professional leave. Absences will also be subject to budget limitations for employing substitutes and reimbursement for travel, meals and lodging.

Sabbaticals

The district will consider all applications from its professional personnel for a period of extended professional leave, without pay, not to exceed two years. Applications for extended professional leave are approved by the principal/supervisor and the superintendent or his/her designee.

Staff members will be eligible for professional leave after three continuous years of satisfactory service in the district.

Persons wishing to return to employment with the district following a period of extended professional leave will be given first consideration by the district when hiring individuals to fill professional vacancies for which they qualify. Prior to the granting of extended professional leave, conditions of return will be mutually agreed upon. In order to facilitate future planning, a time of return should be determined prior to the beginning of extended professional leave.

Written substantiation of leave under this policy may be required. Falsification of reason for leave may be cause of disciplinary action, up to and including termination of employment.

Application and approval for leave under this policy should be made in writing to the principal/supervisor and the superintendent.

Adopted 7/73; Revised 1/76, 7/1/84, 6/85, 4/25/96, 3/23/98, 12/11/00, 7/03, 7/25/05, 3/26/07, 8/24/09, 12/16/13, 12/12/16

Legal references:

A. Federal Law:

1. The Family and Medical Leave Act of 1993, 29 U.S.C.A. Sections 2601-2654.
2. The Uniformed Services Employment and Reemployment Act of 1994, 38 U.S.C.A. Sections 4301-4334.

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 accrual and use.