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Policy

PROFESSIONAL PERSONNEL LEAVES AND ABSENCES

Code **GBRIB** Issued **8/27/2018**

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

It is recognized that there is a need for employees to be absent from their workplace on various occasions. It is also recognized that the continuous presence of employees promotes excellence in the district's instructional program and is critical for the operation of the school to be effective. Thus, this leave policy is written to provide that opportunity consistent with the provisions set forth in the Act to Provide Leave for Full-Time Public School Employees (Section 59-1-400, S.C. Code, 1976), and the following provisions are hereby established.

Annual leave

Annual leave (advanced) will be granted yearly to professional personnel in permanent positions in this district under the following guidelines for the various employment periods: 1 1/4 days of leave for each month of active service (e.g., nine-month 185 or 190 days employees will receive 12 days annually; 10-month employees will receive 13 days annually, 11-month employees will receive 14 days annually, and 12-month employees will receive 15 days annually) at no reduction in salary. Employees who are in permanent part-time positions will accumulate days on a prorated basis.

Full-time professional personnel are defined as persons employed under contract in positions for which certification is required by the South Carolina Department of Education and who are employed for a minimum of five months and work 30 hours per week. Annual leave earned by an employee under this policy may be taken for those reasons deemed important by the employee, subject to the prior approval of the employee's immediate supervisor and the conditions contained in this policy.

Annual leave (advanced) for the year will be granted on the first day that the employee reports to work of each fiscal year (July 1 through June 30). If, however, employment terminates prior to the end of the employment period, or if employment begins during the employment period as outlined above, leave entitlement will be prorated according to the number of months which the employee worked and in accordance with the allocation shown above.

Cumulative leave

Employees who have retired under the South Carolina Retirement System, except for employees who TERI, are not eligible for cumulative leave. At the conclusion of each fiscal year, annual leave days not used will be classified as cumulative leave and may accrue to a maximum of 135 days, excluding the current year's allocation of advanced annual leave. Any cumulative leave in excess of 45 days can be taken with no deduction in salary, but only for illness of the employee or otherwise in accord with the Family Medical Leave Act.

Cumulative annual leave in excess of three consecutive days for reasons other than bona fide personal illness or otherwise in accord with the Family Medical Leave Act (e.g., out of town trips) will not be granted more often than once in each three-year period.

School District of Pickens County

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During the first five days of student attendance in the school term, the last five days of student attendance in the school term, just prior to or immediately following district holidays, and on designated in-service education or staff development days, 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 annual leave during the above periods. The employee must secure written permission from his/her principal or supervisor prior to requesting an exception from this provision.

An employee returning from an extended leave of six or more days due to his/her personal illness must present a statement from his/her healthcare provider certifying the employee's ability to return to a normal work schedule with or without reasonable accommodation prior to - his/her return.

When the employee makes a request in writing, the superintendent or his/her designee may grant an employee leave without pay for personal illness following the exhaustion of all annual leave. If an employee has less than 91 days of accumulated annual leave, leave with and without pay will not exceed 91 work days in any school year without special authorization from the superintendent or his/her designee and is not to extend beyond the immediate school year.

Extended leave of absence

Any employee who is in a full-time position and has been employed full time by the district for a minimum of one contract year may be granted a leave of absence without pay or benefits for one full contract year, or the remaining portion of the contract year, when circumstances warrant, upon written request of the district superintendent and approval by the board of trustees.

Any such request must state the reasons for the requested leave of absence. Leave approvals are within the discretion of the board and may not be made effective unless and until a suitable replacement has been employed within a reasonable period of time as determined by the district. No such leave will be granted for more than one contract year or for the initial portion of any contract year.

Employees will be expected to resume their duties to the same or similar position following an approved leave of absence at the beginning of the subsequent contract year, unless the employee's intent not to return is communicated to the district on or before the issuance of contracts for the subsequent school year. If a contract for the subsequent school year has been issued to and signed by the employee, and the employee later decides not to return, the employee will be expected to follow board policy with regard to being released from the contract.

Organ donor leave

Employees may take a leave of absence in order to be an organ donor without loss of pay or leave time for one or more periods of time not to exceed a total of 30 work days in any one fiscal year. Any employee requesting a leave of absence for this purpose must, at the time that the leave is requested, present documentation sufficient to the district from the attending physician handling the proposed organ donation to confirm that the employee is the donor.

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Procedures for using annual or cumulative leave

A request for the use of either advanced annual or cumulative annual leave must be made to and approved by the employee's immediate supervisor. This request should be submitted in advance, when possible. The supervisor has the right to deny a leave request or to request medical documentation if the leave requests begin to interfere with the education of the students.

Compensation for leave not taken

Bonus for unused advanced annual leave

An employee will receive a bonus at the end of the school year for unused days of earned annual leave once he/she has accrued 135 days cumulative leave. The bonus will be at the rate of \$50 per day.

Bonus for unused leave at separation other than retirement

An employee who voluntarily leaves the district for reasons other than retirement, and who was not recommended for termination prior to separation, may elect to receive a bonus at the time of separation for all unused cumulative annual leave days, not to exceed a total of 45 days. Only those employees who have been employed by the district for a minimum of four consecutive school years will be eligible to receive this bonus. The bonus will be based on a flat rate, as approved annually by the board of trustees. Any employee transferring to another school district in the state or to another state agency may choose to transfer all or a portion of their unused cumulative annual leave days instead of receiving the bonus.

Retirement or Separation annual leave pay out

An employee will be eligible for retirement or separation pay from the district and will receive full pay for each day of cumulative annual leave not taken, not to exceed 45 days, provided he/she meets one of the following requirements.

- an employee retiring after 28 years of service, or upon reaching the age of 62, provided that the employee has a minimum of 10 years' service in the district; or
- an employee leaving the school district after 20 years service in the district or
- an employee continuing his/her employment under the Teacher and Employee Retention Incentive (TERI) plan effective July 1, 2005, and after, will be eligible for retirement payout only at the time of official retirement which will be when the employee ends TERI

Request for compensation for leave not taken

For an employee to receive pay for either unused advanced annual leave and/or cumulative annual leave days he/she must complete the appropriate form which is available in each school office. This form should be returned to the employee's immediate supervisor not later than the last day of the employment period. Additionally, employees who breach their contract of employment with the district or who are terminated for "just cause" will not be eligible to receive any payment for accumulated but unused leave.

Transfer of leave

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An employee new to the district may transfer any sick leave up to a maximum of 135 days accumulated under his/her immediate employment in a South Carolina school district or state agency provided such leave is certified by the district/agency in which the leave was earned. Also, upon a written request of an employee or former employee, any accumulated leave up to a maximum of 90 days will be transferred from the School District of Pickens County to any school district in the state.

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 previously approved leave. An employee is also 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 annual leave is obtained.

The district will not terminate from employment those employees under this policy who have accrued annual leave and who are using it in compliance with this policy. The district will not terminate from employment any employee during a continuing leave of less than 91 work days, provided none of the aforementioned grounds for termination are present.

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 up to 12 work weeks of unpaid family and medical leave within the fiscal year (July 1 through June 30). The district will continue to pay its portion of the employee's health benefits during the leave in accordance with federal and/or state law. In addition, the district will restore the employee to the same or a similar position after the termination of the leave in accordance with board policy. To implement this policy, the board authorizes the superintendent and district administrators to develop an administrative rule to provide a fair and systematic procedure by which eligible employees may take leaves of absences for family and medical reasons.

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.

Adopted 6/11/87; Revised 8/14/89, 1/24/94, 11/27/00, 8/27/01, 9/23/02, 2/23/04, 2/28/05, 8/22/05, 3/27/06, 8/27/18

Legal references:

A. S.C. Code, 1976, as amended:

1. Section 59-1-400 - Sick leave for public school district employees.
2. Section 8-11-65 - Leaves of absence to be organ donor.
3. Section 9-1-2210 - Teacher and Employee Retention Incentive Program.