

## PROFESSIONAL STAFF LEAVES AND ABSENCES

Code **GCC** Issued **11/12**

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

*NOTE: This policy -- and accompanying administrative rule -- may include sick leave (to include Family and Medical Leave Act requirements), personal/emergency/ legal leave, maternity/paternity/parental leave, military leave, conferences/training workshops and sabbaticals. Vacations and holidays are the subject of a separate policy.*

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, staff should take leave in accordance with this policy and its accompanying administrative rule.

Absent employees must comply with procedures as set forth in the administrative rule that accompanies this policy.

### **Definitions**

For the purpose of this policy, the term "full-time employee" means a person employed by the district a minimum of 30 hours per week.

"Immediate family" includes parent, spouse, child, sibling or any other person living in the home who is dependent on the employee for care.

### **Sick leave**

#### *Accrual of paid 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 12 days for nine months (190 days).

Full-time employees will be advanced one-half of their applicable sick leave at the beginning of each semester of the school year. If an employee leaves the district and has used more advanced days than he/she has earned to date, the salary paid for the unearned sick leave days will be deducted from the employee's last pay check, prorated to the individual's daily salary.

Employees may accumulate up to 90 days of sick leave which is accumulated but not used.

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### *Use of sick leave for absences*

Sick leave is to be used primarily for absences caused by personal illness, illness in the immediate family or death in the immediate family. Employees annually may use a maximum of fifteen accrued sick leave days for illness in the immediate family and a maximum of eight accrued sick leave days for death in the immediate family. Additionally, employees annually may use a maximum of three accrued sick leave days for the death of other family members. Sick leave used for a death in the immediate family shall include the day of the services and be taken consecutively.

A maximum of six calendar weeks from the date of adoption may be used annually for the adoption of a preschool child.

Sick leave may be taken in one-half or full day increments.

### **Adjustments in pay**

All absences in excess of authorized entitlements will be considered as days of leave without pay.

Pay adjustments for absenteeism in excess of leave entitlements will be made in the pay period in which they occur or the pay period following the absence. Such adjustments will be calculated using the per day salary of the employee (anticipated annual earnings divided by contract days) and the number of excess absences per category.

### **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 request extended leave in accordance with this policy and accompanying 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 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 employee during a continuing leave of less than 91 workdays, provided none of the aforementioned grounds for termination are present.

### **Transfer of sick leave**

Upon written request of an employee, accumulated sick leave will be transferred to or from any school district or state agency in South Carolina as required by Section 59-1-400 and Section 8-11-46, Code of Laws of South Carolina, 1976.

### **Reinstatement of sick leave**

A person whose employment is terminated due to a reduction in force (RIF) will have all accumulated sick leave benefits reinstated provided the return to work occurs within a two-year recall period.

## **Organ donor leave**

Employees may take a leave of absence to be an organ donor without loss of pay, time or leave for one or more periods, not exceeding a total of 30 workdays in a fiscal year. Saturdays, Sundays and state holidays may not be included in this 30-day period unless the Saturday, Sunday or holiday is a regularly scheduled workday for the employee.

An employee seeking leave to be an organ donor must forward a written request, including the appropriate documentation from the attending physician verifying that the employee is the donor, to the superintendent no later than thirty days prior to the leave.

## **Unused sick leave days in excess of 90 days maximum**

Employees will earn a bonus at the end of each school year for any days accumulated above 90 days that are not used. The bonus will be determined by multiplying the number of unused sick leave days above 90 by ~~\$40~~ \$70. The bonus will be paid by June 30 of the current year, and the employee will begin the next school year with 90 accumulated sick leave days.

## **Family and Medical Leave Act (FMLA)**

It is the policy of the school district to provide eligible employees unpaid leave in accordance with the Family and Medical Leave Act (FMLA). To that end, the board authorizes the superintendent and school district administrators to develop an administrative rule to provide a fair and systematic procedure by which eligible employees may take unpaid leaves of absence for family and medical reasons.

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 workweeks of unpaid family and medical leave in any fiscal year. 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 fiscal year. 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 the same or a similar 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, please refer to administrative rule GCC-R.

## **Personal/Emergency/Legal leave**

### *Personal leave*

The board recognizes that employees must sometimes take a day of personal leave; however, the board believes that the needs of children are better served by the regular employee than by a substitute. Therefore, it is the desire of the board that employees exercise discretion based upon professional integrity when taking personal leave.

The district will allow an employee to use up to four days of sick leave annually for personal reasons.

Employees must submit a written request for personal leave to their supervisor at least five days in advance. Prior permission from the employee's immediate supervisor must be obtained prior to the time the leave is taken.

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Personal leave will not be granted on days set aside for in-service education, on the last day before or the first day after a holiday, or during the first two or last two weeks of the school year, except in extenuating circumstances and **with the principal/supervisor's recommendation** and the superintendent's approval.

### *Emergency leave*

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

### *Legal absence*

Employees should notify their principal or immediate supervisor as soon as they know they are being called for jury duty or subpoenaed. An employee should submit a copy of a jury duty summons or subpoena to his/her principal or supervisor. 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. Any jury fee or travel payment will be retained by the employee. If an employee must appear in court for any reason other than the above, the employee must elect to request authorized leave. Whenever a prospective juror is dismissed before the end of the working day, he/she will return to his/her official duties.

The district encourages school employees, including teachers, certified personnel at the building level and bus drivers, selected to jury service during the school year to request a postponement to a date that does not conflict with the school term.

No salary adjustment will be made unless the employee is found to be using legal leave improperly.

### **Military leave**

Employees of the district may take military leave without loss of pay, seniority or efficiency rating for one or more periods not exceeding a total of 15 work days in one year. Saturdays, Sundays and state holidays may not be included in this 15 days unless the Saturday, Sunday or holiday is a regularly scheduled work day for the employee.

Military 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.

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In the event an employee is called upon to serve during an emergency, he/she will be entitled to such leave of absence for 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 or his/her designee no later than 30 days prior to the pre-arranged military activity.

### *Extended military leave*

Employees who enlist or are called to active duty are eligible for up to five years extended military leave. All provisions of federal law apply to extended military leave (reemployment, benefits, etc.). However, the district is not required to maintain employee benefits for extended leave.

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

Application and approval for leave under this policy are made on the leave application form.

### **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.

The district may grant temporary 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 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.

### **Academic/Sabbatical leave**

The board is committed to the principle of providing opportunities for the professional improvement of its certified staff. In granting leave, consideration will be given by the board to the best interest of the district as well as to the employee. Consequently, the board will grant academic or sabbatical leaves of absence under the conditions outlined below.

#### *Eligibility*

Certified personnel will be eligible for academic or sabbatical leave generally after three consecutive years of employment with the district. An employee is eligible for academic leave only once every three years.

### *Duration of leave*

Academic or sabbatical leave generally will be for one semester. However, if the employee is pursuing advanced study at an institution of higher education, leave may be granted for two consecutive semesters within the same school year.

### *Application process*

A written application for academic or sabbatical leave must be submitted to the superintendent or his/her designee no later than March 1, or as early as practical, for leave for the subsequent fall semester and September 1 for leave for the subsequent spring semester. The superintendent and the employee's principal or supervisor will review the written request which must include an outline of the professional improvement and/or the purpose of the leave. A request for such leave will be granted to a certified employee if recommended by the superintendent or his/her designee and the principal or supervisor and if approved by the board. Applicants will be notified of the decision of the board within a reasonable time period.

### *Compensation*

Academic or sabbatical leave will be granted **without** pay.

An employee on academic or sabbatical leave will not accrue sick leave; however, accumulated sick leave will be carried over and reinstated upon the employee's return to work. Such employee will not be covered by workers' compensation.

An employee granted academic or sabbatical leave will do the following.

- Choose whether or not to keep his/her group insurance in effect. Should an employee choose to do so, he/she must pay the entire premium (both his/her portion and the district's portion) and make arrangements with the district for timely payment of such premiums.
- Choose whether or not to continue making his/her normal contributions to the South Carolina Retirement System. An employee who chooses this option must make arrangements directly with the retirement system for the timely payment of such contributions.
- Choose to request that the South Carolina Department of Education recognize certain time spent in graduate school as being equivalent to teaching experience credit.

### *Return from academic or sabbatical leave*

A written request to return to active employment must be submitted to the superintendent or his/her designee in writing by September 1, if returning for the spring semester, and by March 1 if returning for the fall semester. Official statements of completion or copies of transcripts showing fulfillment of academic pursuits must be submitted to the superintendent or his/her designee within two weeks of returning from an academic leave.

Whenever possible, a person returning to the district from a leave of absence will be placed in the school or position where they were previously assigned. The right is reserved to place the employee anywhere in the system where a suitable vacancy exists. Failure to accept a position when offered will be considered a forfeiture of the right of reemployment.

The board guarantees the employee upon his/her return to the district a position comparable to the one he/she held immediately prior to being granted academic or sabbatical leave, but not necessarily in the same school or administrative office.

Adopted 1/1/74,; Revised 9/28/75, 9/27/76, 8/27/84, 4/28/86, 6/27/88, 6/26/89, 9/24/90, 9/27/93, 8/25/97, 9/22/97, 6/26/00, 10/24/05, 9/25/06, 2/23/09, 5/24/10, 4/25/11, 8/22/11, 11/26/12

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Legal references:

- A. United States Code:
  - 1. P.L.103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993.
  - 2. Title 38 U.S. Code, Chapter 43, Sections 4301-4333, Public Law 103-353 - The Uniformed Services Employment and Reemployment Act of 1994 (USERRA).
  
- 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 for public school district employees.