

## STAFF LEAVES AND ABSENCES

Admin. Reg. HRS-16  
~~August, 2010~~June, 2017

- I. **General.** The Superintendent recognizes ~~that~~ employees must sometimes take leave and ~~that~~ certain absences are unavoidable. ~~On such occasions, the Superintendent expects employees to take leave in accord and compliance with the provisions of BCSD Administrative Regulation District policy.~~
- II. **Definitions.** For this Administrative Regulation policy, the term "full-time employees" means persons employed by the BCSD District who work a minimum of 30 hours per week. ~~The term "active service" means days actually worked or earned sick leave days used. "Immediate family member" includes parents, spouse, child, and other relatives who live in the home of the employee.~~
- III. **Sick Leave.**
- A. Accrual. All full-time District employees will accrue sick leave on a proportionate rate ~~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), 13 days for 10 months (210 days), 14 days for 11 months (220 days), and 15 days for 12 months (240 days) of active service.~~ An employee may accumulate up to 90 days of unused sick leave.
- B. An employee shall accrue sick leave on the basis of days for which the employee receives compensation (i.e., days actually worked or days on which the employee is on paid leave, including personal leave, in accordance with BCSD Administrative Regulation).
- C. An employee may only use sick leave that he/she has accrued, unless otherwise approved in advance by the Chief Administrative and Human Resources Officer ("CAHRO") or his/her designee. However, a first-year employee may, prior to earning, use the sick leave the employee will earn during the first year of employment. This use of sick leave is a conditional benefit of employment, not a right, made available to first-year employees.
- ~~B-D. Advancement. At the beginning of a fiscal year, 12 days of sick leave days will be advanced to full-time employees. In the event an employee who has utilized sick leave in excess of his/her then-accrued sick leave allotment is dismissed, non-renewed, or resigns eases of termination from employment during the course of a fiscal year, an adjustment will be made to the employee's final paycheck to account for the overused sick leave for any sick leave that may have been advanced and used but not accrued.~~
- C.E. Use of Sick leave for Absences.
1. An employee may use sick leave solely for absences caused by personal illness or illness of an immediate family member, ~~which~~ requiring inge the employee to provide

care, and for no other reason. ~~Only the The~~ Superintendent or ~~CAHRO~~Chief Administrative and Human Resource Services Officer may grant sick leave for the illness for other members of an employee's family in unusual situations.

2. An employee ~~shall~~must notify his/her ~~P~~principal or ~~designee or immediate~~ supervisor as early as practicable when it is necessary for him/her to be absent. Unless the length of absence has been definitively established and communicated by the employee to his/her Principal or supervisor, set through prior communications, each employee who is absent shall notify his/her Principal or supervisor~~must notify the school/job site in accordance with procedures established by the school principal or the Chief Officer for the division.~~
3. An absent employee ~~must~~ may be required to furnish a signed statement ~~on a leave form~~ setting forth the specific reason(s) for his/her absence and submit such. This form should be submitted within two (2) work— days of the employee's return to work. ~~The P~~principal or supervisor may also require a physician's statement verifying the nature of the employee's illness. ~~If, upon written request from the employee's Principal or supervisor, the an~~ employee ~~fails or refuses~~does not to provide the required medical physician's statement within five (5) work days ~~upon written request~~ or after ten (10) work days of consecutive sick leave, the employee may be subject to disciplinary action, up to and including dismissal from employment~~administration may move to terminate his/her employment.~~
4. An employee returning from sick leave may also be required to present to the Office of Human Resource Services a statement from the attending physician certifying the employee's ability to return to normal duties.

~~D. The Superintendent or the Chief Administrative and Human Resource Services Officer can require any employee to undergo an examination by a doctor or psychologist/psychiatrist selected by the District. The District will pay for the cost of this examination. Failure on the part of the affected employee to carry out said directive is grounds for discipline, up to and including immediate dismissal from employment.~~

E.F. Dismissal from Employment.

1. The Superintendent may recommend the ~~immediate~~ dismissal of any certified staff member or terminate the employment of any support staff member, who fails to comply with the requirements of this Administrative Regulation~~policy~~, who fails to request extended leave as contained herein, who fails to report to work at the expiration of authorized leave, who fails to obtain an extension of previously approved leave should it become necessary, or who fails to produce requested absence or physician's statements.
2. The Superintendent may also recommend the ~~immediate~~ dismissal of any certified staff member or terminate the employment of any support staff member for

misstatements of fact and/or misrepresentations of purpose for which sick leave is desired or obtained.

3. Employees will not be recommended for or terminated from employment during a continuing sick leave of less than 91 work days unless one of the aforementioned grounds for immediate dismissal are present and/or other misconduct occurs.

~~F.G.~~ Transfer of Sick Leave. An employee of a state agency transferring to the ~~BCSDDistrict~~ or a ~~BCSDDistrict~~ employee transferring to a state agency or other South Carolina public school system may transfer and retain all statutorily-eligible sick leave ~~he/she has/hes~~ accumulated but not used.

#### IV. **Family and Medical Leave Act (“FMLA”).**

A. The District will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (“FMLA”). -Eligible employees are entitled to up to ~~twelve (12)~~ work weeks of unpaid FMLA leave in a ~~BCSDDistrict~~-defined ~~twelve (12)~~-month period. -The ~~BCSDDistrict~~ ~~will~~ shall continue to pay its share of the employee's health benefits during approved FMLA leave. -Additionally, the ~~BCSD~~ ~~shall~~ District ~~will~~ restore the employee to the same or a similar position after the termination of approved FMLA leave in accordance with law.

B. When an employee knows of the need for absence in advance, or it becomes necessary to be absent for a period longer than ~~ten (10)~~ days, ~~he/shes/he~~ should file a request for extended leave under the FMLA with the CAHRO or his/her designee unless the illness does not qualify a serious health condition under the FMLA.

~~C.~~ -Employees ~~shall~~ must adhere to the ~~BCSDDistrict's~~ Administrative Regulation 16.1, FMLA Pprocedures. ~~-This procedure may be found immediately following this policy.~~

V. **Organ Donor Leave.** Employees may take a leave of absence to be an organ donor without loss of pay, time, or leave not exceeding a total of 30 work days in a fiscal year. An employee seeking leave to be an organ donor must forward a written request, including the appropriate documentation from the attending physician verifying the employee will be a donor, to the ~~CAHRO~~ ~~Office of Human Resource Services~~ with a copy to his/her ~~P~~principal or supervisor at least 30 days prior to the commencement of leave or as soon as practicable based on the specific circumstances.

#### VI. **Personal/Emergency/Legal/Bereavement Lleave and Procedures.**

A. Personal Leave.

1. ~~Certified e~~Employees may use a maximum of two (2) of their accrued sick leave days per year for personal leave. -This leave is not cumulative, must be requested in writing and must be approved in writing and in advance by the employee's

supervisor, and shall may be used only for personal matters; which cannot be attended to on non-school days or before/after school hours. A supervisor or Principal shall not require the requesting employee set forth the reason(s) for the requested personal leave.

2. A request for personal leave must be submitted in writing to the employee's Principal or immediate supervisor ~~using a leave form available in each school and at the District Office.~~ ~~Unless impossible to do so, p~~Personal leave requests shall ~~ould~~ be made ~~presented at least no fewer than two (2) working days in advance of the date for which the employee desires to take personal leave.~~ Partial days for personal leave shall be allowed in either full or half-day increments ~~are not be allowed.~~
3. Personal leave may be granted or denied by the employee's Principal or ~~immediate~~ supervisor based on the best interests of students. ~~Personal leave shall~~ will generally not be granted during the first five (5) days and last five (5) days of student attendance of the school year, on staff development days, or the day before or immediately after a holiday. Exceptions to this provision may be made only upon prior written approval of the employee's Principal or supervisor and the CAHRO.
4. ~~Support staff who earn vacation are not eligible for personal leave days.~~
- 4.5. An employee's failure to comply with the provisions of this section shall be grounds to deny the employee's request for personal leave.

~~B. Emergency Leave.~~

1. ~~For emergencies and unusual situations not covered by the leave procedures of the District, an employee may request the Superintendent's or Chief Administrative and Human Resource Services Officer's authorization for use of sick leave days and/or unpaid leave. Such a request must be submitted in writing through the employee's principal or supervisor.~~
2. ~~Leave with and/or without pay will not exceed 91 work days in any school year and will not extend beyond the immediate school year.~~

~~C. B. Legal Leave Absences.~~

1. Employees shall ~~ould~~ notify their Principal or ~~immediate~~ supervisor as soon as they know they are being called for jury duty or subpoenaed. ~~The Superintendent shall~~ will grant employees leave without loss of pay when employees are summoned for jury duty or subpoenaed to testify in any BCSD District- related case or in a criminal case. ~~An employee must submit a copy of a jury duty summons or subpoena to his/her Principal or supervisor commensurate with requesting leave for this purpose.~~ ~~If an employee on jury duty is released prior to~~

~~the conclusion of the work day, not later than 12:00 p.m., the employee is required to return to his/her official duties/he should return to work. -If an employee must appear in court for any reason other than the above and does not have appropriate leave, the BCSD District will shall deduct full pay for the time missed from his/her salary.~~

2. Any jury fee and travel payment may be retained by the employee.
3. ~~When The Superintendent encourages employees~~ selected for jury service during the school term, school level certified employees and bus drivers are required to request ~~that~~ their service be postponed to a date ~~that does not~~ in conflict with school responsibilities. ~~Pursuant to state law, the court will likely grant the postponement.~~

#### D.C. Bereavement Leave.

1. The BCSD shall District will grant an employee up to three (35) days of bereavement leave at full salary upon the death of a member of an immediate family member. For purposes of this policy, "immediate family member" shall include only the employee's spouse, ~~parent~~mother, father, child, son, daughter, or sibling~~brother, sister, mother-in-law, father-in-law, or a member of the affected employee's household living with the employee~~ (documentation of such will be required). The CAHRO or his/her designee is authorized to extend this leave for an additional three (3) days with pay in special circumstances.
2. The BCSD shall District will grant an employee up to one (13) days of bereavement leave at full salary upon the death of a mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, grandchild, aunt, uncle, niece, or nephew. The CAHRO or his/her designee is authorized to extend this leave for an additional two (2) days with pay in special circumstances.
3. A request for bereavement leave must be submitted in writing to the employee's Principal or immediate supervisor, who will determine whether to approve the leave in accordance with this Administrative Regulation.

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#### **VII. Military Leave.**

- A. Employees may take military leave without loss of pay, seniority, or efficiency rating for one or more periods not exceeding a total of fifteen (15) work days in one (1) year. Saturdays, Sundays and state holidays may not be included in this fifteen (15) days unless the Saturday, Sunday or holiday is a regularly scheduled work day for the employee.

- B. 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 Armay, 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.
- C. In the event an employee is called upon to serve during an emergency, he/shes/he will be entitled to such leave of absence for a period not exceeding 30 additional days.
- D. The Superintendent expects employees to request their training for a period when school is not in session.
- E. An employee seeking leave for annual active duty training must forward a written request, including the appropriate verifying data, to the Chief Administrative and Human Resources Officer~~Office of Human Resource Services~~, with a copy to the employee's supervisor, no later than 30 days prior to the prearranged military activity.
- E.F. Employees who enlist or are called to active duty are eligible for up to five (5) years extended military leave without pay. All provisions of federal law apply to extended military leave; however, the BCSD is not required to maintain employee benefits for extended military leave.

### VIII. Professional Leave.

- A. The BCSD~~administration~~ 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 BCSD~~District~~.
- B. Approved professional leave will be with pay. –The employee must apply for professional leave through his/her Pprincipal or District Office~~–supervisor~~ in accordance with guidelines established by the Office of Human Resource Services. Principals and District Office~~–supervisors~~ are authorized to grant up to three (3) days of professional leave to an employee~~–they supervise~~. For professional leave beyond three (3) days, authorization from the CAHRO~~employee's Chief Officer~~ must shall be obtained.
- B-C. Special consideration for additional days may be granted if the employee is an officer or is a participant on the program of a professional meeting. The mere fact an employee holds an office in the organization would not in itself justify approval of a leave request. Approved absences for professional leave shall not result in a deduction from the employee's leave time or pay.

**IX. Fitness for Duty Evaluation.** If the BCSD has a reasonable belief an employee's present ability to perform one (1) or more essential job functions is or will be impaired by a medical condition or if the BCSD believes the employee poses or will pose a direct threat to himself/herself and/or others in the workplace due to a medical condition, the Superintendent or the CAHRO may require an employee undergo an examination by a doctor or psychologist/psychiatrist selected by the BCSD to determine whether the employee is fit to resume or continue his/her duties. The examination shall be limited in scope to what information is needed to make an assessment of the employee's ability to perform his/her essential job functions. The BCSD shall pay for the cost of this examination. Failure on the part of the affected employee to carry out said directive is grounds for discipline, up to and including dismissal from employment.

**IX.X. Reimbursement of Unused but Accumulated Sick Leave at Separation.** The ~~BCSD~~District ~~will~~ shall reimburse full-time employees for unused accumulated sick leave days, up to 90, at the time of retirement. -Reimbursement for unused sick leave will be at the rate of \$10.00 per day.

Adopted: July 1, 2001  
Revised: August, 2010; June, 2017

Legal References:

- A. United States Code, as amended:
  - 1. 29 USC 2601, *et seq.* – The Family and Medical Leave Act of 1993
  - 2. 38 USC 101 – The Uniformed Services Employment and Reemployment Act of 1994
  
- B. S.C. Code, 2004, as amended:
  - 1. Section 8-7-20 – Leaves of absence authorized for public employees serving in armed forces
  - 2. Section 8-7-90 – Leaves of absence authorized for public officers and employees in National Guard or reserve military forces
  - 3. Section 8-11-40 – Sick leave
  - 4. Section 8-11-65 – Leaves of Absence to be organ donor
  - 5. Section 8-11-155 – Use of sick leave to care for adopted child
  - 6. Section 8-11-610 – Manner in which leave will be computed
  - 7. Section 9-1-2210 – Teacher and Employee Retention Incentive Program
  - 8. Section 14-1-190 – Compensation received for jury duty
  - 9. Section 14-7-845 – Postponement of jury service for students and school employees
  - 10. Section 25-1-2250 – Leaves of absence for public officers and employees
  - 11. Section 59-1-400 – Sick leave for public school employees