STAFF LEAVES AND ABSENCES

Code **GCC** *Revised* **11/25**

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

The continuous presence of staff members 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
- prompt service by all departments

Therefore, the board expects employees to come to work as scheduled. The board recognizes, however, that certain absences are unavoidable. At such times, employees should 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.

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 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). 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.

The district will advance annual sick leave at the beginning of employment. This advance anticipates the completion of the full period of employment by the staff member. If a staff member uses advanced sick leave and fails to complete the period of employment covered by the days advanced, the district will make an adjustment in salary at the termination of his/her employment. Sick leave is earned only during employment.

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 State Department of Education or a person who has been employed in the school district and works at least 30 hours per week.

PAGE 2 – GCC - STAFF LEAVES AND ABSENCES

Use of sick leave for absences

Type I – Leave for which there may be no loss in salary, cost of substitute or one-half salary

- personal illness
- illness in the immediate family – Immediate family in this provision will mean parent, spouse, child, brother, sister or any other person living in the house who is dependent on the employee for care.
- death in the immediate family – Immediate family in this provision will mean parent, spouse, child, sister, brother, grandparent, aunt, uncle, mother-in-law, father-in-law, sister-in-law, brother-in-law, niece, nephew, grandchild or grandparents-in-law.
- an employee will be allowed to use four days per year of sick leave for personal reasons other than the following:
    - personal illness
    - illness in the immediate family
    - death in the immediate family

  Personal leave must be approved by the immediate supervisor. Such days will not be cumulative. In accordance with Type III below, no employee will be expected to request such a day for personal leave on the last day before holidays officially begin, or, on the first day after holidays officially end. (An employee will also not be expected to request such a day during the first two weeks or the last two weeks of the school session.)

If an employee is absent due to one of the reasons listed as Type I, there will be no salary deduction until all cumulative days have been taken.

When an employee's absence is classified as Type I leave, the day or days will be deducted from cumulative leave regardless of whether a substitute is secured.

Type II

The district may deduct the daily cost of a substitute or one-half day pay up to the current substitute pay, whichever is less, for three days from the employee's salary when he/she is absent for the following reasons.

- wedding in the immediate family
- death of persons not mentioned in Type I
- other causes approved by the superintendent

The district may deduct the full daily salary for each day more than three that the employee is absent for one of the foregoing reasons.

Type III

The district may deduct the full daily salary for each day of absence if an employee is absent for one of the following reasons. (This does not affect sick days.)

- personal business (other than the four days granted)

- leaving before holidays have officially begun or returning after holidays have officially ended
- other causes which in the opinion of the superintendent are not legitimate

Principals or immediate supervisors should discuss the request for a Type III absence with the superintendent prior to such an absence.

The district reserves the right to require documentation or justification of absences in Type I, II, or III.

When the employee makes a request in writing, the superintendent may grant an employee leave without pay for personal illness following the exhaustion of all accrued sick leave. Leave with and without pay will not extend beyond the immediate school year.

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 or to a similar position, 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.

Organ Donor Leave

Employees may take a leave of absence to be an organ donor without loss of pay, time, leave, or efficiency rating for one or more periods not exceeding a total of 30 work days in one fiscal year. Saturdays, Sundays, and state holidays may not be included in this 30 days unless 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 30 days prior to the leave.

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.

An employee is subject to termination from employment with the district for misstatements of fact and/or misrepresentations of purpose of which leave of absence is desired or on the basis of which sick leave is obtained or repeated failure to report to work without notifying his/her supervisor.

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.

Upon separation of employment, except retirement, all sick days that will not transfer to another state agency will be forfeited. No amount will be paid by the district.

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 any transfer and retain all sick leave he/she accumulated at his/her former place of employment.

Reinstatement of Sick Leave
An individual who leaves employment of the district will have all accumulated sick leave benefits reinstated in full provided he/she is reemployed within a 24-month period.

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.

Reimbursement for unused leave

All active, non-retired personnel may be compensated for accumulated sick days in excess of 90 days at the rate of $100 per day.

Family and Medical Leave Act

The board will provide leave for 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 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 the employee's original position or to an equivalent position with equivalent pay, benefits, and other terms of employment after the conclusion 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 the administrative rule GCC-R.

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 an employee leave without loss of pay when he/she is summoned for jury duty or subpoenaed in the line of duty to represent the district as a witness or defendant. If an employee must appear in court for any reason other than the above, the district will deduct substitute pay from his/her salary. Whenever an employee is dismissed by the court before the end of the working day, he/she will return to his/her official duties. An employee must bring an official statement from the court for days serving on jury duty.

When selected for jury duty, employees may request a postponement to a date that does not conflict with the school term.

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 year. Saturdays, Sundays, and state holidays may not be included in these 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 State Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United State Marine Corps Reserve or the Unites 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

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 (re-employment, 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 superintendent or his/her designee 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. Absences will also be subject to budget limitations for employing substitutes and reimbursement for travel, meals, and lodging.

Payment of Accumulated and Unused Sick Leave
Any full-time employee who retires from the district may receive compensation for up to 45 days of unused sick leave at the current substitute rate. No employee will receive payment for more than 45 days of accumulated leave from Spartanburg School District Four during his/her lifetime. Previously retired employees are not eligible.

Adopted 9/82; Revised 10/1/94, 2/2/98, 9/13/04, 9/14/09, 2/4/13; 12/5/16; Revision 9/10/18; Revised 11/10/25

Legal references:

A. United States Code:
    1. P.L.103-3 and 29CFR Part 825 – The Family and Medical Leave Act of 1993.
    2. Americans with Disabilities Act of 1990, 42 U.S.C.A. Section 12101, et seq.
    3. 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 59-25-47 – Unused leave payment authorized.
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.