



HUMAN RESOURCES MANAGEMENT POLICY

SICK LEAVE

POLICY 19

NOTE: THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE MEDICAL UNIVERSITY OF SOUTH CAROLINA (MUSC). MUSC RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. POLICY

Sick leave is intended as a means of protecting the income of eligible classified and eligible research grant employees who are unable to perform their duties due to illness or injury, or who must obtain the professional services of a health practitioner during working hours.

- A. Full-time (40 hours/week) employees accrue sick leave at the rate of 10 hours per month with a maximum accrual of 1,560 hours (195 days) each calendar year; however, employees are only permitted to carry over a maximum of 1,440 hours (180 days) from one calendar year to the next.
- B. Part-time employees established to work at least 20 hours per week earn sick leave on a pro rata basis. This rate is derived by dividing the established work hours by 40 hours to determine the percentage of the full-time rate they accrue. (Example: An employee is established to work 30 hours/week. Thirty divided by forty equals .75 or 75%. 75% of 10 hours per month is 7.5 hours. A 30 hours/week employee accrues 7.5 hours of sick leave per month.)
- C. Employees accrue sick leave on a monthly basis provided they are in a pay

status for at least one-half of the workdays of the month. Employees accrue sick leave while on annual leave, sick leave or other authorized leave with pay. Employees do not accrue sick leave while in a leave without pay status.

- D. Sick leave may be used once it is accrued.
- E. Sick leave will not be advanced.
- F. All allowable sick leave should be used before requesting leave without pay.
- G. Employees may use up to ten 8-hour days (80 hours) of accrued sick leave to care for an "immediate family" member or foster child. "Immediate family" is defined as: The employee's spouse and children; and, the following relatives of the employee or spouse:

Mother	Grandparent
Father	Legal guardian
Brother	Grandchildren
Sister	
- 1. Leave time is prorated for part-time employees.
 - 2. For purposes of sick and "death in immediate family" (Supplemental Leave) leave usage, employees and their spouses can only have one set of parents each. Employees who request sick (or "death in immediate family") leave for other than a biological/adoptive parent may be requested by their departments to submit a statement in writing documenting their choice of parents (legal guardian or in loco parentis).
 - 3. The State of South Carolina recognizes common law marriages; therefore, common law spouses are acknowledged under this policy.
- H. Sick leave will be charged to employees by proper notation on Kronos for the actual time employees are away from the job.
- I. Sick leave may not be charged when a holiday is observed by the University. If employees' scheduled workdays are longer than the allotted holiday times, employees may use sick leave for the remaining hours in the workday, if the absences qualify for sick leave.
- J. Departments may establish more specific departmental policies and procedures that fall within the parameters of this policy to address specific concerns or needs. Refer to Section III of this policy for additional

information.

II. INFORMATION AND PROCEDURES

- A. When illness or injury occurs, employees should notify their supervisors promptly in order to allow sufficient time to provide coverage. If illnesses continue beyond one day, supervisors must be notified as to the expected length of absence. If notification is not made in accordance with this policy, the absences may be considered unauthorized and without pay.
- B. Department heads and supervisors are entitled to require employees to provide medical evidence to support reasons for absences if abuse of sick leave is suspected or if absences exceed three consecutive workdays.
- C. Employees should complete a Request for Leave form in advance for elective surgery, maternity, and appointments to see a health practitioner; however, if the amount of sick leave taken differs from that requested, a corrected form must be completed immediately upon returning to work. The Request for Leave form is available at http://www.musc.edu/hrm2/forms/Leave_Request_Form.pdf
- D. In unforeseen situations, employees should complete a Request for Leave form, http://www.musc.edu/hrm2/forms/Leave_Request_Form.pdf, immediately upon returning to work to confirm sick leave usage.
- E. Sick leave used for the serious health condition of employees, employees' immediate families (spouses, children, parents), and for other Family and Medical Leave Act (FMLA) qualifying reasons, will run concurrently with FMLA.
- F. Transferring Sick Leave
 - 1. Reassignments, between departments, of employees in classified positions will not change sick leave balances.
 - 2. Sick leave accrual will not be affected for classified employees appointed to unclassified non-faculty and faculty positions.
 - 3. Sick leave accrual will not be affected for unclassified non-faculty and faculty employees hired into classified positions.
 - 4. Accrued unused sick leave hours may be transferred, provided there is not a break in service, as defined in Section II.G. when transferring to or from another State agency or South Carolina school district.

5. Effective September 2006, individuals hired from the Medical University Hospital Authority (MUHA), a quasi-state agency, into a State FTE position within 15 days of their termination from MUHA, may transfer their unused accrued "ESL" to their sick leave account.
6. Classified, unclassified non-faculty and faculty employees transferring to research grant positions and research grant employees transferring to any FTE positions forfeit sick leave balances. Sick leave hours cannot be transferred.
7. Employees in research grant positions retain their sick leave balances when they are hired into other research grant positions without a break in service as defined in Section II.G.

G. Break in Service

When employees experience a break in service, all sick leave hours are forfeited and may not be reinstated. Employees experience a break in service under the following circumstances:

1. When, in transferring from one State agency to another, employees do not report to work with the gaining agency within 15 calendar days following the last day for which they were paid by the losing agency;
2. By remaining in a leave without pay status for a period of more than one year (365 days);
3. If, following a reduction in force by the employing agency, the employee is not recalled to a classified position within 12 months of the effective date of the layoff;
4. By separation from State service and subsequent reemployment regardless of lapsed time, employees are considered to have terminated from State service if paid for unused annual leave hours.

Exceptions:

- a. Employees in a leave without pay status for more than one calendar year (365 days) will not experience a break in service if employees are on a military tour of duty with reemployment rights under Federal and State law(s).
- b. In the event a disciplinary action, such as suspension or

dismissal, is set aside as recommended by a grievance panel, the period in which employees are not on the payroll may not be considered a break in service.

H. Retirement

Upon retirement, up to 720 hours (90 days) of accrued unused sick leave hours may be added to retirement service credit to enhance the retirement benefit payment. The 90 days credit cannot be used to qualify for retirement.

I. Termination of Employment or Transfer to non-FTE position

Upon termination of employment, or transfer to temporary, research grant, student or any other non-FTE position, no compensation will be paid for unused sick leave hours.

III. DEPARTMENTAL POLICIES

- A. Departmental policies must be approved by the Department of Human Resources Management prior to implementation.
- B. Departmental policies must be in writing, disseminated to all employees, and posted in the work area. If in-service training or orientation sessions are necessary to ensure employees understand the policies, departments should keep attendance records and signed documentation that employees received the information.

IV. MATERNITY/ADOPTION LEAVE

- A. Female employees may use sick leave for maternity reasons for the period of time they are unable to work as determined by their personal physician.
- B. Adoptive parents may use up to six weeks of accrued sick leave hours for the purpose of caring for a child after placement. If both parents are employed by the same employer, the six weeks of allowed sick leave is only available to the employee who has the primary responsibility for providing the care and nurture of the child.
- C. If additional time off is desired/necessary, it should be requested in accordance with Human Resources Management Policy No. 18, Annual Leave; Policy No. 20, Extended Disability Leave; and Policy No. 30, Family and Medical Leave Act.

V. FAMILY AND MEDICAL LEAVE ACT (FMLA)

- A. Employees who have been employed by the State for at least one year and worked 1,250 hours over the previous 12 months are eligible for up to 12 weeks of unpaid, job-protected leave for the following reasons: for birth or placement of a child for adoption or foster care; to care for an immediate family member (spouse, child or parent) with a serious health condition; or to take medical leave when the employee is unable to work because of a serious health condition.
- B. Refer to Human Resources Management Policy No. 30, Family and Medical Leave Act, for additional information.

VI. EXTENDED DISABILITY LEAVE

- A. An absence due to illness, injury or maternity, which is not covered by accrued sick leave hours, may be covered by accrued annual leave, accrued holiday leave or leave without pay; however, the combination of paid leave and leave without pay cannot exceed 180 calendar days.
- B. A requested extended disability leave must be approved through normal administrative channels.
- C. Refer to Human Resources Management Policy No. 20, Extended Disability Leave, and Policy No. 30, Family and Medical Leave Act, for additional information.

VII. LEAVE TRANSFER PROGRAM

- A. Employees who occupy classified, unclassified non-faculty, and faculty positions and who work at least one-half time and have exhausted all allowable accrued leave may be eligible to receive additional paid leave for personal emergencies through the Leave Transfer Program.
- B. Employees who occupy classified, unclassified non-faculty, and faculty positions and who accrue leave may donate sick leave hours to the leave pool for use by employees in need.
- C. Refer to Human Resources Management Policy No. 48, Leave Transfer Program, for details and additional information.

VIII. AMERICANS WITH DISABILITIES ACT (ADA)

- A. Certain illnesses/health conditions may be protected as disabilities and, upon return from extended sick leave, employees may require reasonable

accommodation to perform the essential functions of their jobs.

- B. Refer to Human Resources Management Policy No. 24, Reasonable Accommodation under the Americans with Disabilities Act (ADA), for additional information.

Approved by:	Information Contact	Revised
_____ Lisa P. Montgomery Vice President Finance & Administration	Department of Human Resources Management Classification/Compensation Section	February 2008