

PROCEDURE

Number: 3.3.5.9
Related: 3.3.5
Title: Extended Illness Leave
Responsibility: Vice President, Human Resources and Employee Relations

Original Approval Date 10-10-2007
Last Cabinet Review: 01-04-2016
Last Revision: 01-04-2016

President

DISCLAIMER

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY.

Leave taken under this section may qualify as Family Medical Leave Act leave (FMLA) and, if so, will run concurrently.

Under the Americans with Disabilities Act, certain extended illnesses may be protected as disabilities and may require reasonable accommodation. In certain cases, the use of leave may be considered a reasonable accommodation. Determinations regarding reasonable accommodation should be made on a case-by-case basis as dictated by the circumstances.

A. Certification

The College shall require, prior, to approval of leave as a reasonable accommodation, certification by the authorized health care provider/practitioner to a reasonable degree of medical certainty to include at minimum:

1. the date on which the serious health condition commenced,
2. the probable duration of the condition and a probable return date; and
3. appropriate medical facts within the knowledge of the authorized health care provider/practitioner regarding the condition and any work limitations. Dates set forth in the authorized health care provider's/practitioner's certification may be amended. The College may require additional documentation from the authorized health care provider/practitioner issuing the certificate or may secure additional medical opinions from other authorized health care providers/practitioners.

If an employee's authorized health care provider/practitioner or the employee identifies a disability as long-term, the System Office/College may suggest to the employee to contact the Public Employee Benefit Authority (PEBA) as soon as possible to evaluate eligibility for any applicable benefits, such as insurance or retirement. The decision to file for any applicable benefits would be the employee's responsibility and at the employee's discretion.

B. The employee shall use all sick leave before going on leave without pay unless the College President, at his/her discretion, grants an exception at the employee's request. The employee shall have the option of using or retaining accrued annual leave prior to going on leave without pay.

C. Leave Records

The College shall maintain all leave records for each employee eligible for such leave. Such records shall be reviewed by or reported to the employee no less than once per calendar year and be supported by individual leave requests. It is acceptable for employee leave requests to be created, approved and maintained via a secure (password protected) electronic system. If such a system is used, approval through the system will be considered the required signature of the employee and supervisor. Employees shall be able to view and print the leave records.

Failure to report leave taken is considered a falsification of work/time records and could be construed as being paid for hours not worked in violation of S.C. code Ann. 8-11-30 and may be subject to disciplinary action up to and including termination.