

HORRY-GEORGETOWN TECHNICAL COLLEGE

PROCEDURE

Number: 3.3.6.1
Related Policy: 3.3.6
Title: Employee Leave Transfer Program
Responsibility: Vice President, Human Resources and Employee Relations

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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.

I. Purpose

The following procedures establish the manner in which Horry-Georgetown Technical College employees, including probationary employees, occupying full-time equivalent (FTE) positions may voluntarily donate sick annual or faculty non-workday leave into their leave transfer pools. Employees in temporary grant and time-limited positions who accrue leave at the same rate as an FTE employee may donate and receive leave if all other eligibility requirements are met. The Employee Leave Transfer Program is for use by other Horry-Georgetown Technical College employees who have been approved as leave recipients under severe personal or family medical-related and catastrophic circumstances. Employees may request withdrawal as defined in this procedure and other guidelines promulgated by the Division of State Human Resources (DSHR) regulations, State Board for Technical and Comprehensive Education policy and procedure. All proposed transfer requests shall be reviewed by the College's Human Resource Staff to ensure compliance with all applicable procedures.

II. Administrative Responsibility and Required Records

Colleges within the South Carolina Technical College System shall establish three (3) separate leave transfer pool accounts, a sick leave transfer pool, an annual leave transfer pool and a faculty non-work day transfer pool. In the event a college determines that sufficient hours of either sick or annual leave are not available in their local pool to cover an approved request, the System Office will transfer the necessary hours to the respective college. This will assure that eligible employees are not denied leave transfer due to the lack of available sick or annual leave

hours in a respective college's pool. Colleges will submit, in writing, to the System Office's Human Resources Services, a request to have the necessary hours transferred from the System Offices' sick or annual leave transfer pools/leave recipient to the respective college along with any supporting documentation. The College and the System Office must maintain the following records:

- A. Donation Request Form – The Donation Request Form shall include: the employee's name, the college name; the employee's classification title; the employee's hourly rate of pay; the number of days/hours of the leave donor's earned sick annual or faculty non-work day leave; the number of days/hours of sick annual or faculty non-work day leave the employee wishes to donate to the appropriate local transfer pool/leave recipient; the date of the donation; and the leave donor's signature.
- B. Withdrawal Request Form – The Withdrawal Request Form shall include; the employee's name; the college name; the employee's classification title; the employee's hourly rate of pay; the type of leave requested; the number of days requested; a thorough description of the nature, severity, and anticipated duration of the medical, family, or other hardship situation affecting the employee; and any additional supporting documentation for approval of the request.
- C. Leave Restoration Form – The Leave Restoration Form shall include: the name of the leave recipient; the type of leave transferred (sick annual or faculty non-work day); the amount of transferred leave used; the date the leave recipient's personal emergency or employment terminates; and the amount of transferred leave (sick annual or faculty non-work day) being restored to the respective local leave transfer account.

III. Leave Pool Donations

A. General Information

- 1. An employee donating sick and/or annual leave to the transfer pool may do so prior to the end of the calendar year. Employees donating faculty non-work days to the leave transfer account must do so prior to the end of the academic year.
- 2. In the event of a medical emergency, a state employee may make a written request to the College President that a specified number of hours of their accrued annual and/or sick leave be transferred from their annual leave and/or sick leave account to a specific leave recipient, within the College rather than to a leave pool account, subject to the approval of the College President.
- 3. In the event of a medical emergency, an employee may make a written request to the College that a specified number of hours of their accrued faculty non-work days be transferred from their faculty non-work day account to a specific leave_recipient,

within the College, rather than to a leave pool account, subject to the approval of the College President.

4. Once leave of an employee has been donated and transferred to a local transfer account/leave recipient, it cannot be returned to the leave donor.

B. Sick Leave Donation

An employee with more than fifteen (15) days of accrued leave in his sick leave account may voluntarily request in writing (Donation Request Form) that a specified number of hours of his leave be transferred to the Transfer Pool Sick Leave Account/leave recipient. An employee may donate no more than one-half of the sick leave earned in a calendar year to the respective Transfer Pool Sick Leave Account/leave recipient for the calendar year. An employee with less than fifteen (15) days of accrued leave in their leave account may not transfer any leave to the Transfer Pool Sick Leave Account/leave recipient.

C. Annual Leave Donation

An employee may voluntarily request in writing (Donation Request Form) that a specified number of hours of their accrued leave be transferred to the Transfer Pool Annual Leave Account/leave recipient. An employee may donate no more than one-half of the annual leave earned in a calendar year to the respective local transfer account/leave recipient for the calendar year.

D. Faculty Non-Work Day Donation

An employee may voluntarily request in writing (Donation Request Form) that a specified number of hours of their faculty non-work day be transferred to the local faculty non-work day leave transfer account/leave recipient. An employee may donate no more than one-half of the faculty non-work day leave earned in an academic year to the respective local transfer account/leave recipient for the academic year.

IV. Leave Pool Withdrawals

A. General Information

Employees, including probationary employees, occupying FTE positions as well as employees in temporary grant and time-limited positions who accrue leave at the same rate as FTE employees are eligible to withdraw sick or annual leave from a respective pool account only if they are otherwise eligible to accrue the corresponding type of leave under sick annual or faculty non-work day leave policies and procedures.

An applicant must be in a leave eligible position to qualify as a recipient of transferred leave. Employee who are receiving or become eligible for other paid benefits for periods of absence from work will generally be considered ineligible for transfers. The maximum amount of leave transfer per illness is a total of three requests for a total of no more than 90 work days. Examples of other paid benefits include but are not limited to worker's Compensation, long term disability, and disability retirement benefits.

An eligible employee to include probationary employees, occupying FTE positions as well as employees in temporary grant and time-limited positions who accrue leave at the same rate as FTE employees with an emergency may request leave from their respective local leave transfer pool account by completing a Withdrawal Request Form and submitting it to the College Human Resources Office. While there is no limit to the number of separate requests that an employee may submit, each separate request shall be limited to no more than thirty (30) working days.

B. Criteria

After exhaustion of applicable leave the employee must have medical certification verifying that the employee will be or is anticipated to be in leave without pay for at least thirty (30) workdays.

However, an employee who is within thirty (30) calendar days of eligibility for long term disability insurance or disability retirement benefits and who has exhausted all accrued leave due to the prolonged medical emergency shall be eligible for consideration when requesting approval for less than the thirty (30) work day minimum requirement for leave transfer.

Substantial loss of income must occur due to the employee's unavailability of paid leave. To qualify as substantial income loss, the emergency must be for a prolonged period (refer to Addendum #1 definitions).

C. Verification

The approval of leave transfer requests shall be subject to verification as follows:

1. For personal or family medical emergencies, documentation by a certified physician is required and must include the nature of the emergency and an estimate of the inclusive dates. (See Addendum #5)
2. For personal hardship emergencies (as defined in Addendum #1) verifiable information is required. Hardship requests will be handled on a case by case basis.

While the documentation and the circumstances surrounding the emergency or hardship will be primarily used as the criteria for approval, the employment record, including

length of service, responsible use of leave, job performance, and other job related factors, may also be used in determining approval.

D. Approval Process

1. College Approval - The Withdrawal Request Form shall be submitted to the Human Resources Office. Each request shall be reviewed by the Cabinet with final approval or disapproval by the President except when the emergency involves a medical condition affecting the employee, the likely impact on morale and efficiency may be considered in the approval process. The basis for approval will be whether the position considers the illness catastrophic, severely debilitating or life threatening. There is no appeal of a disapproved request.
2. No Administrative or Judicial Appeal – With the final approval of the President, the selections of the College are final, and there is no administrative or judicial appeal.
3. Disposition – Once a decision is rendered, a copy of all documentation associated with the College transfer request shall be sent to the System Office's Human Resource Services for information and future reference.

E. Use of Approved Leave

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

1. When a Request Form has been approved in accordance with the above guidelines, the College may transfer all or any portion of the respective sick and annual leave transfer pool account to the regular sick and annual leave balance of the withdrawal recipient. The College shall transfer a portion of the local faculty non-work day leave to the faculty non-work day balance of the recipient.
2. Upon approval of a withdrawal request, a recipient may use annual, sick or faculty non-work day leave from the respective pool in the same manner and for the same purposes as if they had accrued the leave in the manner provided by DSHR regulations, State Board for Technical and Comprehensive Education policy and procedure and applicable state and federal laws.
3. Leave transferred under this program may be substituted retroactively for periods of leave without pay or may be used to liquidate indebtedness for advanced sick leave. On a case-by-case basis, in light of the justification presented, a determination will be made on whether transferred leave may be applied retroactively and for what length of time.

4. Annual, sick or faculty non-work day leave that accrues in the regular annual and/or sick leave balances of the leave withdrawal recipient must be used before using any leave from the leave transfer pool.

F. When Personal Emergency Terminates

1. The personal emergency affecting a leave recipient terminates when the College determines that the emergency no longer exists or the withdrawal recipient's employment terminates.
2. The College shall effectively monitor the status of the withdrawal recipient's emergency to ensure that the withdrawal recipient is not permitted to receive or use transferred leave from the pool after the emergency ceases to exist.
3. When the personal emergency terminates, the employing agency may not grant further requests for transfer of leave to the leave recipient's leave account. When the personal emergency affecting a leave recipient terminates, any transferred leave remaining must be restored to the appropriate pool account by completing a Leave Restoration Form.

V. Annual Reports

The College will submit the information on their activity, which occurred in a calendar year to the SBTCE Associate Director for Human Resource Management to assist them in evaluating the leave transfer program. This information shall include but is not limited to the following:

A. Sick Leave – Total hours and cost of

1. Sick leave donated;
2. Sick leave used by recipient(s);
3. Sick leave restored, if any.

B. Annual Leave – Total hours and cost of

1. Annual leave donated;
2. Annual leave used by recipient(s);
3. Annual leave restored, if any.

C. Any additional information requested by the Division of State Human Resources needed to evaluate the desirability, feasibility, and cost of the Leave Transfer Program.

- D. All records and documentation are subject to audit by the System Office Human Resources Services and/or the Division of State Human Resources.

VI. DEFINITIONS

Leave Donor -An employee with an approved voluntary written request for transfer of sick, annual or faculty non-work day leave to a local transfer account.

Leave Recipient - An employee who is approved to receive sick, annual or faculty non-work day leave from a local transfer account.

Local Leave Transfer Accounts - The local leave transfer accounts will generally be established and maintained at each college and at the System Office. The local leave transfer accounts will consist of separate sick, annual and faculty non-work day leave transfer pools.

Personal Emergency - A medical or family emergency or other hardship situation that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave.

A medical or family emergency is limited to catastrophic and debilitating medical situations, severely complicated disabilities and severe accident cases that are likely to require an employee's absence from duty for a prolonged period of time and result in a substantial loss of income to the employee because of the unavailability of paid leave. Routine disabilities (e.g., pregnancy and hysterectomy) or disabilities resulting from elective surgery do not qualify for leave transfers.

Other personal hardship situations are limited to emergencies (e.g., a personal circumstance beyond the employee's control) that are likely to require an employee's absence from duty for a prolonged period of time and result in a substantial loss of income to the employee because of the unavailability of paid leave.

Prolonged Period – A prolonged period is a minimum of thirty (30) working days.