

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

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TITLE: ANNUAL LEAVE

POLICY
REFERENCE NUMBER: 8-3-100

DIVISION OF
RESPONSIBILITY: Human Resource Services

DATE OF LAST REVISION: June 12, 2012

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 SC STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION / THE SC TECHNICAL COLLEGE SYSTEM. THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION/THE SC TECHNICAL COLLEGE SYSTEM 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. Eligibility

Annual leave shall be accrued by and granted to:

- A. Full-time classified employees in full-time equivalent (FTE) positions, temporary grant employees, if provided through the grant, unclassified non-teaching personnel, and institutional officers.
- B. Part-time classified employees in FTE positions, temporary grant employees, if provided through the grant, who are scheduled to work at least one-half (1/2) the workweek on a twelve (12) month basis, or who are scheduled to work the equivalent of one-half (1/2) the workweek on a twelve (12) month basis during the full school or academic year of nine (9) months or more.

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C. Teaching faculty do not accrue annual leave but are given non-workdays in lieu of annual leave. (See State Board Procedure No. 8-3-101.1, Faculty Non-Work Days).

II. Annual Leave Earnings

A. Computation

1. Employees who are in pay status one-half or more of the workdays of the month shall earn annual leave for the full month. If they are in pay status for less than one-half the workdays, they shall earn no annual leave.
2. Employees shall earn annual leave while on annual leave, sick leave, or other authorized leave with pay. Employees shall not earn annual leave while on leave without pay.
3. Employees' annual leave earnings are computed based on the number of hours in the employee's workday.
4. Employees' annual leave earnings are based on the employee's leave accrual date. The leave accrual date reflects:
 - a. All State service in an FTE position, including part-time service, adjusted to reflect periods when there was a break in service.
 - b. All service as a certified employee in a permanent position of a school district of this State; and
 - c. At the discretion of the System President/College President or his designee, all service in any temporary capacity counted towards the employee's probationary period.

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B. Rate of Earnings

1. Five (5) Day Workweek Schedule of 37.5 or 40 Hours Per Week

a. Calculation of workday hours

To determine the number of hours in a workday, divide the total number of hours an employee is regularly scheduled to work during a week by five (5) (regardless of the number of days the employee actually reports to work).

b. Service of ten years or less

Full-time employees in FTE positions and eligible temporary grant employees on five (5) days per workweek schedule with State service of less than ten (10) years shall earn annual leave dating from date of employment at the rate of one and one-fourth (1-1/4) working days per calendar month of service in each calendar year. See Chart #1 and Chart #2. In addition, all service as a certified employee in an FTE position of a school district of this State must be used to calculate the leave accrual date. (S.C. Code Ann. § 8-11-640)

c. Service of more than ten years (bonus leave earnings)

Full-time employees in FTE positions and eligible temporary grant employees on five (5) days per workweek schedule with State service of more than ten (10) years shall earn a bonus of one and one-fourth (1-1/4) working days of annual leave for each year of continuous service beyond ten (10) years. In addition, all service as a certified employee in an FTE position of a school district of this State must be used to calculate the leave accrual date. (S.C. Code Ann. § 8-11-640) Bonus leave earnings for temporary grant employees is a College/ System Office option based on the availability of funding. See Chart #1 and Chart #2.

2. Schedules Other Than a Five-Day Workweek of 37.5 or 40 Hours Per Week

All employees earn the number of days per year based on their years of service. However, the earning rate in hours per month varies according to the length of the workday. If the workday differs from eight hours, divide the number of hours in the workday by eight, then multiply this ratio by the earnings rate in the last column of Chart #2 below.

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Examples of such schedules could include:

- a. Law enforcement employees who are regularly scheduled to work 43 hours per week. Forty-three hours divided by five equals a workday of 8.6 hours;
- b. Fire protection employees who are regularly scheduled to work 53 hours per week. Fifty-three hours divided by five equals a workday of 10.6 hours;
- c. Part-time employees who are regularly scheduled to work 20 hours per week. Twenty hours divided by five equals a workday of four hours; or
- d. Full-time employees who are regularly scheduled to work 39 hours per week. Thirty-nine hours divided by five equals a workday of 7.8 hours.

CHART #1 - Five (5) Days (37.5 hours) Per Workweek Schedule

<u>Years of Service</u>	<u>Days Per Year</u>	<u>Earning Rate</u> <u>Hours Per Month</u>
1 - 10	15.00	9.38
11	16.25	10.16
12	17.50	10.94
13	18.75	11.72
14	20.00	12.50
15	21.25	13.28
16	22.50	14.06
17	23.75	14.84
18	25.00	15.63
19	26.25	16.41
20	27.50	17.19
21	28.75	17.97
22 and Over	30.00	18.75

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CHART #2 - Five (5) Days (40 hours) Per Workweek Schedule

<u>Years of Service</u>	<u>Days Per Year</u>	<u>Earning Rate</u> <u>Hours Per Month</u>
1 - 10	15.00	10.00
11	16.25	10.83
12	17.50	11.67
13	18.75	12.50
14	20.00	13.33
15	21.25	14.17
16	22.50	15.00
17	23.75	15.83
18	25.00	16.67
19	26.25	17.50
20	27.50	18.33
21	28.75	19.17
22 & Over	30.00	20.00

III. Maximum Accrual and Carryover

A. Eligible employees shall be permitted to carryover from one (1) calendar year to the next any unused annual leave up to a total accumulation of forty-five (45) workdays; EXCEPT THAT, employees of an agency which provided for maximum accumulation in excess of forty-five (45) workdays as of June 2, 1972, shall not forfeit the excess, but shall retain excess leave which shall be the maximum amount the employees may carryover into future years. If the employee subsequently reduces the amount of such leave carried over, the reduced amount, if in excess of forty-five (45) workdays, shall become the employee's maximum carryover into future years. If the employee further reduces the amount of such leave carried over to forty-five (45) workdays or less, forty-five (45) days shall become the maximum amount of unused annual leave the employee may thereafter carryover. During the calendar year, an employee may earn annual leave in excess of the forty-five (45) workdays; however, the employee may only carryover forty-five (45) days to the next calendar year.

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- B. Eligible employees who change from being full-time to part-time or from part-time to full-time, without a break in service, shall retain the annual leave hours previously earned. If this change results in the employee having a maximum accumulation in excess of forty-five (45) workdays as of the effective date of the change, the employee shall not forfeit the excess. The employee shall retain this excess leave which shall be the maximum amount of such leave carried over, the reduced amount, if in excess of forty-five (45) workdays, shall become the employee's maximum carryover into future years. If the employee further reduces the amount of such leave carried over into forty-five (45) workdays or less, forty-five (45) days shall become the maximum amount of unused annual leave the employee may thereafter carryover. During the calendar year, an employee may earn annual leave in excess of the forty-five (45) workdays; however, the employee may only carryover forty-five (45) days to the next calendar year.

IV. Using and Scheduling Leave

- A. Leave taken under this section may qualify as Family and Medical Leave Act (FMLA) leave; and, if so, will run concurrently.
- B. Scheduling Leave
1. College employees may be required to use annual leave during periods when the college is closed. These days will be specified according to the academic calendar prepared each year. Employees will be notified in advance of days when use of annual leave will be mandatory.
 2. To the degree possible, employees' requests for specific periods of annual leave shall be approved in advance and honored. However, considerations of workloads, work distributions, and similar factors may necessitate changes. Agency approval is required for the specific periods the employee shall be on annual leave, to include beginning and ending dates and computation of total hours.

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C. Maximum Days Used per Year

1. The maximum number of earned days of annual leave that may be used in any one calendar year shall not exceed thirty (30) working days.
2. Exception
 - a. For Family and Medical Leave Act (FMLA) qualifying reasons, an agency may allow an employee who has used all eligible sick leave and thirty (30) days of annual leave to use any remaining annual leave for:
 - i. Emergencies or serious health conditions of the employee
 - ii. Emergencies or serious health conditions of the employee's immediate family.¹
 - b. For emergency or extreme hardship conditions as referenced in S.C. Code Ann. § 8-11-670, the System President/College President or his designee may allow an employee, who has used all accumulated sick leave and thirty days of annual leave to use any remaining annual leave which he/she has accumulated.
 - c. An employee may request review by the State Human Resources Director the denial of the use of annual leave as provided in the Budget and Control Board's Human Resources Division Regulations. Section 19-709.03.

D. Increments for Use of Annual Leave

Annual leave shall be used in quarter-hour increments as determined by the College/System Office.

¹ Immediate family is defined in OHR Regulations Section 19-710.04 B. 6.

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E. Holiday During Leave

When a holiday is observed by the College/System Office while an employee is using annual leave, the day shall be considered a holiday, not a day of annual leave for the employee.

V. Credited Service

A. Employees hired prior to June 2, 1972

Employees as of June 2, 1972, shall carry forward all service as a State employee prior to June 2, 1972, for purposes of determining annual leave earnings.

B. Cumulative service

Subsequent to June 2, 1972, all employees who are rehired following a break in service shall be given credit for prior state service for purposes of computing bonus earnings. No credit shall be given for the period between termination and reemployment. Any employee in a permanent position of a state agency or department must be given full state service credit for prior service as a certified employee of a school district of this State for purposes of computing bonus earnings and no credit under this paragraph may be given for any out-of-state teaching service or other service with an out-of-state school district.

VI. Transfer From One State Agency to Another

A. An employee who transfers without a break in service from one agency to another shall transfer earned annual leave.

B. When a full-time employee transfers to an agency that has a different workday, his annual leave at the transferring agency shall be converted to equivalent days of annual leave at the receiving agency.

C. When an employee transfers from a position in which he earns both sick and annual leave to a teaching position of academic rank at a State supported institution of higher learning, the employee shall be paid for earned annual leave according to Section 19-709.05.

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- D. When the employee with a maximum carryover in excess of forty-five (45) workdays transfers from one agency to another, the employee shall retain the higher maximum carryover at the receiving agency. If the employee subsequently reduces the amount of such leave carried over, the reduced amount, if in excess of forty-five (45) workdays, shall become the employee's maximum carryover into future years. If the employee further reduces the amount of such leave carried over to forty-five (45) workdays or less, forty-five (45) days shall become the maximum amount of unused annual leave the employee may thereafter carryover. During the calendar year, the employee may earn annual leave in excess of the forty-five (45) workdays; however, the employee may only carryover forty-five (45) days to the next calendar year.
- E. Temporary grant employees must be paid accrued annual leave upon termination as outlined in the temporary grant appointment form.

VII. Movement Between Non-Faculty and Faculty Positions Within the Technical College System.

- A. When an employee moves from a non-faculty position in which he earns both sick and annual leave to a faculty position within the Technical College System, the employee shall be paid for earned annual leave according to the Budget and Control Board's Human Resources Regulations Section 19-709.05.
- B. When a faculty member moves to a non-faculty position in which he earns both sick and annual leave within the Technical College System, a lump sum payment will be made for banked and unused non-work days according to SBTCE Procedure 8-3-101.1 Faculty Non-Work Days, not to exceed forty-five days.

VIII. Payment Upon Separation of Employment

Upon separation from State employment, a lump sum will be made for unused annual leave, not to exceed forty-five (45) days, unless a higher maximum is authorized under the Budget and Control Board's Human Resources Division Regulations Section 19-709.02 C., and without deducting any earned leave taken during the calendar year in which the employee separates except retirees hired by the state after June 30, 2005.

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Upon the death of an employee while in active service, the estate of the deceased employee shall be entitled to the lump sum payment not to exceed forty-five (45) days except as included in SC Code of Laws 8-11-610.

Part-time employees' accumulation payments will be on a pro rata basis.

The annual leave payout should be calculated based on the employee's final rate of pay, including longevity, temporary salary adjustments, or any other pay (excluding overload or dual employment) that the employee is receiving at the time of separation.

Annual Leave Records

A leave record shall be maintained by the System Office/College for each employee covered under the provisions of the S.C. Code Ann. § 8-11-680, which shall be subject to audit by the State Budget and Control Board, and the State Board for Technical and Comprehensive Education.

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.

Such records shall:

- A. Indicate the annual leave accrual rate for each employee.
- B. Indicate the number of annual leave hours earned and used during the current calendar year;
- C. Indicate the number of annual leave hours carried forward from the previous calendar year, but not exceeding the maximum accrual authorized;
- D. Indicate the number of hours in the employee's official workweek and workday;
- E. The number of annual leave hours paid out upon separation.
- F. Include any other information the agency may require.

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- G. 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.