

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 8-3-103.7

PAGE: 1 of 3

PROCEDURE TITLE: EXTENDED DISABILITY LEAVE

POLICY

REFERENCE NUMBER: 8-3-103

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 OR THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

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

Under the Americans with Disabilities Act, (ADA) certain extended illnesses may be protected as disabilities and may require reasonable accommodation.

1. For any extended period of disability due to illness, injury or maternity, an employee may request leave not to exceed one hundred eighty (180) calendar days. The 180 days can be counted intermittently provided it is with the same disability.

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 8-3-103.7

PAGE: 2 of 3

2. The System Office/College shall require, prior to approval of an extended disability, certification by the health care practitioner to include:
 - a. the date on which the serious health condition commenced;
 - b. the probable duration of the condition; and
 - c. appropriate medical facts within the knowledge of the health care practitioner regarding the condition.

Dates set forth in the health care practitioner's certificate may be amended. The agency may require additional documentation from the health care practitioner issuing the certificate or may secure additional medical opinions from other health care practitioners.

3. The System Office/College may not deny an employee's request for the 180-day disability leave for bona fide illness or disability if the employee is in a full-time equivalent position.
4. Should the employee return within the approved 180-day period, the System Office/College shall reinstate the employee to the same position or one of comparable pay band for which the employee is qualified.
5. If the employee is unable to return within the 180-day period, the agency must separate the employee from State service. Because the ADA requires employers to engage in an interactive process with each disabled employee to find a reasonable accommodation, employers should review each employee's specific situation and cannot automatically terminate the employee at the end of a predetermined period.
6. In extenuating circumstances, two extensions are available:
 - a. The System/College President, may extend the 180-day period of leave to a total of three hundred sixty-five (365) days provided the health care practitioner certifies the employee's return within this time period and;
 - b. The System/College President may extend the disability leave beyond the 365 days without a break in service provided the health care practitioner certifies the employee's return to work within the time frame of the requested extension.

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 8-3-103.7

PAGE: 3 of 3

7. The employee shall use all sick leave before going on leave without pay unless the System/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.

8. Leave Records

The System Office/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.