

**STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION**

**PROCEDURE**

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**TITLE:** EMPLOYEE LEAVE TRANSFER PROGRAM

**POLICY  
REFERENCE NUMBER:** 8-3-106

**DIVISION OF  
RESPONSIBILITY:** Human Resource Services

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**DATE OF LAST REVISION:** May 9, 2007

**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.**

**I. PURPOSE**

The following procedure establishes the manner in which College/System Office employees, including probationary employees, occupying full-time equivalent (FTE) positions may voluntarily donate sick and/or annual leave into leave transfer pools for use by other College/System Office employees who have been approved as leave recipients under personal or family medical-related emergency circumstances as defined in this procedure and other guidelines promulgated by the State Office of Human Resources' regulations, State Board for Technical and Comprehensive Education policy and procedure. Temporary grant employees are not eligible to participate in the Employee Leave Transfer Program. The State Board for Technical and Comprehensive Education's Executive Director (System President) delegates authority for approving leave transfer requests to the college presidents. All proposed transfer requests shall be reviewed by the

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college's human resources staff to ensure compliance with all applicable procedures. The State Board for Technical and Comprehensive Education's Executive Director (System President) reserves the right to withdraw delegation authority from an individual college based upon non-compliance with State Board for Technical and Comprehensive Education policy and procedure.

### II. ADMINISTRATIVE RESPONSIBILITY AND REQUIRED RECORDS

Entities within the agency shall establish two (2) separate leave transfer pool accounts, a sick leave transfer pool, and an annual leave 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 Resource Services, a request to have the necessary hours transferred from the System Offices' sick or annual leave transfer pools 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 or System Office; the employee's classification title; the employee's hourly rate of pay; the number of days/hours of the leave donor's earned sick or annual leave; the number of days/hours of sick or annual leave the employee wishes to donate to the appropriate local transfer pool; 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 or System Office; 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 or annual); the amount of transferred leave used; the date the leave recipient's personal emergency or

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employment terminates; and the amount of transferred leave (sick or annual) being restored to the respective local leave transfer account.

### III. DEFINITIONS

- A. Personal Emergency - Catastrophic and debilitating medical situation, severely complicated disabilities, severe accident cases, family medical emergencies or other hardship situations that are 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.
- B. Leave Donor - An employee with an approved voluntary written request for transfer of his sick or annual leave to a local transfer account.
- C. Prolonged Period - Prolonged period under these procedures is generally interpreted to be a minimum of thirty (30) working days. Generally, an employee with a medical emergency situation must have been in a leave without pay status for at least thirty (30) working days or documentation must certify a medical emergency (refer to II. A. above) will result in an employee being on leave at least thirty (30) workdays.

However, any employee, who is within thirty (30) calendar days of eligibility for long term disability insurance or disability retirement benefits and who has exhausted a substantial balance of accrued leave or 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.

- D. Local Leave Transfer Accounts - The local leave transfer accounts will generally be established and maintained at each college and the System Office for their respective employees. The local leave transfer accounts will consist of separate sick and annual leave transfer pools.
- E. Leave Recipient - An employee who has a personal or family medical-related hardship emergency and is approved to receive sick or annual leave from a local transfer account.

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### IV. LEAVE POOL DONATIONS

#### A. General Information

1. An employee donating sick and/or annual leave to the local transfer account must do so prior to the end of the calendar year. An employee may not donate to a specific individual employee leave account. The distribution of such donations is at the sole discretion of the college/System Office.
2. Once leave of an employee has been donated and transferred to a local transfer account, it must not be returned to the leave donor.

#### B. Maximum Leave Donation

An employee may donate no more than one-half of the sick and/or annual leave earned in a calendar year to the respective local transfer account for the calendar year.

#### C. 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 local sick leave transfer account. An employee with less than fifteen (15) days of accrued leave in his leave account may not transfer any leave to the local sick leave transfer account.

#### D. Annual Leave Donation

An employee may voluntarily request in writing (Donation Request Form) that a specified number of hours of his accrued leave be transferred to the local annual leave transfer account.

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### V. LEAVE POOL WITHDRAWALS

#### A. General Information/Eligibility

Employees, including probationary employees, occupying FTE positions 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 or annual leave policies and procedures. Temporary grant employees are not eligible to participate in the Employee Leave Transfer Program. Employees receiving Worker's Compensation benefits or who qualify for another program such as Long Term Disability or Disability Retirement are not eligible to participate in the Leave Transfer Program. Employees who become eligible for other paid benefits for periods of absence from work will generally be considered ineligible for transfers. Examples of other paid benefits include but are not limited to Worker's Compensation, Long Term Disability, and disability retirement benefits.

An employee with a personal emergency may request sick or annual leave from their respective local leave transfer account by completing a Withdrawal Request Form. 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) workdays.

#### B. Withdrawal Criteria

1. Thirty (30) workdays of leave without pay, after exhaustion of annual and sick leave, or medical certification verifying that the employee will be or anticipated to be out for at least thirty (30) workdays.
2. Medical Certification is required – A medical-related emergency must be certified by a physician including the nature of the emergency and an estimate of the inclusive dates. (refer to Section III. Definitions)
3. Substantial Loss of Income – To qualify as substantial income loss, the family emergency must be for a prolonged period (refer to Section II definitions). It is stipulated for purposes of this procedure that if an

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employee has a personal or family medical related emergency for a period of thirty (30) workdays then there is a default substantial loss of income.

4. For Family Medical Emergency Leave Purposes - All Family Sick Leave and annual leave must be exhausted before annual leave can be transferred to an otherwise eligible employee from the leave transfer pool account.
5. For Personal Emergency Leave Purposes - All Sick Leave and Annual Leave must be exhausted before sick leave can be transferred from the leave transfer pool account.
6. Employment Record – 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.

### C. Withdrawal Approval Process

1. Approval – Upon receiving a completed Withdrawal Request Form, the College president, or in the case of the System Office, the Executive Director/System President, shall approve the withdrawal for employees under his/her management authority. Unless the personal emergency involves a medical condition affecting the leave recipient, the employer may consider the likely impact on morale and efficiency in approving a leave recipient to use transferred leave. Committees or other approaches may be used to assist in determining whether a request should be approved.
2. Disposition - Once a decision is rendered to approve or deny a request, a copy of all documentation associated with a college transfer request shall be sent to the System Office's Human Resource Services for evaluation.

The evaluation of transfer requests shall be conducted in such a manner as to assure consistent treatment among similarly situated employees. Decisions shall be in keeping with State Human Resources Regulations, the criteria referenced in this procedure and other additional guidelines

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promulgated by the State OHR guidelines and applicable state and federal laws.

### D. Use of Approved Leave Withdrawals

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, the college or System Office shall transfer a portion of the local respective sick or annual leave transfer account to the regular sick or annual leave balance of the recipient.
2. Upon approval of a withdrawal request, a recipient may use sick or annual leave from the respective local transfer account in the same manner and for the same purpose as if he had accrued the leave or in the manner provided by State OHR regulations, State Board for Technical and Comprehensive Education policy and procedure and applicable state and federal laws.
3. Sick or annual leave transferred under this program may be substituted retroactively for periods of leave without pay or used to liquidate any indebtedness for advanced sick leave. Whether transferred leave may be applied retroactively and for what length of time will be determined on a case-by-case basis in light of the justification presented.
4. Sick or annual leave that accrues in the regular sick or annual leave balances of the recipient must be used before using any leave from the respective local leave transfer account.

### E. When Personal Emergency Terminates

1. The personal emergency affecting a leave recipient terminates when the College or System Office determines that the emergency no longer exists or the recipient's employment terminates.
2. The College/System Office shall effectively monitor the status of the recipient's emergency to ensure that the recipient is not permitted to

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receive or use transferred sick or annual leave from the local transfer account 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 sick or annual leave remaining must be restored to the appropriate pool account by completing a Leave Restoration Form.

IV. Annual Reports – Colleges shall report preceding calendar year activities (donations and/or approved requests for sick or annual leave transfer) to the System Office's Human Resource Services. Sick and annual leave transfer information will be reported by March 1<sup>st</sup> to the Budget and Control Board's Office of Human Resources to assist the Budget and Control Board 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 OHR 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's Human Resource Services and/or the Budget and Control Board's Office of Human Resources.