

BOARD AGENDA ITEM

August 10, 2021

SUBJECT:

Revision of Policy GCC Professional Staff Leaves and Absences, Second Reading
and Policy GDC Support Staff Leaves and Absences, Second Reading

BACKGROUND INFORMATION:

Aiken County Public School District offers the opportunity for existing employees to donate unused leave to the sick leave bank. The sick leave bank provides leave for employees who experience catastrophic illnesses or accidents that require absences which exceed their accrued leave.

ADMINISTRATIVE CONSIDERATION:

The proposed changes allow employees exiting the district through resignation to donate unused sick leave to the sick leave bank.

RECOMMENDATION:

Approve the following policies:

Policy GCC Professional Staff Leaves and Absences, First Reading
Policy GDC Support Staff Leaves and Absences, First Reading

ATTACHMENTS:

Policy GCC Professional Staff Leaves and Absences
Policy GDC Support Staff Leaves and Absences

PREPARED BY:

Jennifer Hart
Salvatore Minolfo

PROFESSIONAL STAFF LEAVES AND ABSENCES

Code **GCC** Issued **1/2108/21**

Purpose: To establish the basic structure for all types of professional staff leaves and absences.

The continuous presence of employees promotes excellence in the instructional program by ensuring the following:

- uninterrupted continuity of education
- greater teacher-student contact time
- appropriate role model emulation
- consistent classroom discipline
- reduced cost

Therefore, the board expects employees to come to work every day. The board recognizes, however, that certain absences are unavoidable. At such times, employees should take leave in accordance with this policy and its accompanying administrative rule.

Absent employees must comply with procedures set out in the administrative rule that accompanies this policy.

Sick Leave

Accrual of sick leave

Employees of the district who work at least an equivalent of half time or more will be eligible to accrue sick leave on an annual basis.

All full-time employees of the district will accrue sick leave on a monthly basis for each month of active service. This will provide 12 days for 9 months, 13 days for 10 months, 14 days for 11 months and 15 days for 12 months. An employee may accumulate sick leave, which is accrued but not used, provided that such employee does not violate his/her respective contract.

Sick leave will be accrued on a monthly basis. Employees with less than one year of service may apply for advancement of up to five days of sick leave not to exceed the maximum number of sick leave days allowed for the year. This request must be submitted to the chief officer of human resources and administration or designee within three days of return to work.

Employees who work under a letter of agreement accrue sick leave on a monthly basis. No sick leave days will be reimbursed at the end of the school year. Non-retired employees working through the completion of the current school year who are hired to work the next school year with no break in service will carry forward any accrued sick leave days.

Use of sick leave for absences

An employee may use sick leave for absences caused by personal illness.

Use of accrued leave for illness in the immediate family

Accrued sick leave days may be used for serious illness in the employee's immediate family which requires the employee to provide care. An employee who anticipates requiring extended leave to provide care for a family member should submit a Family and Medical Leave Request form to

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his/her supervisor as far in advance as possible. The supervisor will forward the request to human resources, who will then provide certification documentation to the employee in order to qualify the medical leave. The certification documentation must be completed by a licensed medical physician and indicate the duration of anticipated leave. The request must be approved by the chief officer of human resources and administration or designee. The term "immediate family" includes the following:

- Parent - A biological, adoptive, step or foster father or mother, or someone who stood in loco parentis to the employee when the employee was a son or daughter. Parent for FMLA purposes does not include in-laws.
- Spouse - A husband or wife as defined or recognized in the state where the employee was married and includes individuals in a same-sex marriage or common law marriage.
- Son or Daughter - For leave other than military family leave, a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 years of age, or 18 or older and incapable of self-care because of a mental or physical disability.

When the employee makes a request in writing, the superintendent or designee may grant an employee leave without pay for personal illness following the exhaustion of all accrued sick leave and any additional leave granted from the sick leave bank or shared leave as described in policies GCCAAA and GCCAAB.

The district will assign an employee who returns to work the same or similar duties that he/she performed prior to going on leave, if such assignment is in the best interest of the district. If the administration does not consider it to be in the best interest of the district to assign the employee to the position he/she had prior to going on leave or to a similar position, the district will offer the employee a position for which he/she is qualified. The district will place the employee on the payroll at his/her pre-leave salary status.

Use of Accrued Leave for Death in the Family

Accrued sick leave days may be used for the death of an employee's family member listed below. An employee who anticipates an extended leave due to death of listed family member must provide request in writing to immediate supervisor including the expected date of return.

The term "family" for bereavement includes the following:

- spouse
- son, son-in-law, stepson
- daughter, daughter-in law, stepdaughter
- mother, mother-in-law, stepmother
- father, father-in-law, stepfather
- brother, brother-in-law, stepbrother
- sister, sister-in-law, stepsister
- grandparents
- guardian and ward or other relative living in the household at the time of illness

If accrued leave is exhausted, the superintendent or designee may grant an employee leave without pay for death of listed family member.

The district will assign an employee who returns to work the same or similar duties that he/she performed prior to going on leave, if such assignment is in the best interest of the district. If the administration does not consider it to be in the best interest of the district to assign the employee to the position he/she had prior to going on leave or to a similar position, the district will offer the employee a position for which he/she is qualified. The district will place the employee on the payroll at his/her pre-leave salary status.

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Termination

The district may terminate the employment of any employee who fails to comply with the requirements of this policy and accompanying administrative rule, who fails to report to work at the expiration of authorized leave or who fails to obtain an extension of leave.

An employee is subject to termination from employment with the district for misstatements of fact and/or misrepresentations of purpose for which leave of absence is desired or on the basis of which sick leave is obtained.

The district will not terminate from employment those employees under this policy who have accrued sick leave and who are using it in compliance with this policy. The district will not terminate from employment any such employee during a continuing sick leave of less than 91 workdays.

Sick leave for retired employees rehired by the district on an "at will" basis

Retired employees rehired to work with the district on an "at will" basis will begin their employment with no accumulated sick leave. A retired employee will earn sick leave at the same rate as other employees, but will not accumulate sick leave beyond a school year. A retiree may request for advancement of up to five days of sick leave not to exceed the maximum number of sick leave days allowed for the year. This request must be submitted to the chief officer of human resources and administration or designee within three days of return to work.

Transfer of sick leave

An employee of a state agency transferring to any school district in the state or a school district employee transferring to a state agency may transfer to and retain all sick leave he/she accumulated at his/her former place of employment up to 90 days provided proper documentation is received from the sending district or state agency. Termination of employment cancels cumulative sick leave. [Exiting employees may donate available accrued sick leave to the sick leave bank.](#) If reemployed, the employee has the status of a new employee.

Reimbursement for unused leave

To be eligible for reimbursement, application for retirement benefits must be made to the S.C. Retirement System prior to or within 120 days of the last day of active employment with the district. Such reimbursement for unused sick leave will be at the rate of \$25 per day.

Family and Medical Leave Act (FMLA)

The board will provide leave to eligible employees consistent with Family and Medical Leave Act of 1993 (FMLA). Eligible employees are entitled to up to 12 workweeks of unpaid family and medical leave in a fixed leave 12-month period beginning July 1 and ending June 30 each year. The district will continue to pay the district's share of the employee's health benefits during the leave provided the employee continues to pay his or her portion. If the employee fails to make payment, the employee's insurance may be cancelled. In addition, the district will restore the employee to the same or a similar position at the conclusion of the leave in accordance with board policy.

In complying with the FMLA, the district will adhere to the requirements of the Americans with Disabilities Act as well as other applicable federal and state laws.

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For further information, please refer to administrative rule GCC-R.

Personal/Emergency/Legal/Bereavement Leave

Personal leave

The district will grant employees four days personal leave per year from the employee's annual sick leave allowance with prior approval of the employee's supervisor. For nine-month personnel, the annual sick leave allowance is 12 days. The district will pay for the substitute and the employee need not explain his/her absence. Personal leave will not be granted during the first five days and last five days of student attendance of the school year, on staff development days, during state testing periods and/or during other major testing periods as designated by the district, or the day before or immediately after a holiday except for exceptional circumstances and only with approval of the principal and the appropriate executive officer (or other appropriate supervisory personnel for staff not located in a school). This leave is not cumulative. Unused personal days revert to accrued sick leave days in the subsequent year.

In the event of a change in this policy, accumulated personal leave days will revert to sick leave days. Any additional absences for personal leave will be absence with full loss of a day's salary.

Emergency leave

When a personal situation requires the absence of an employee, the immediate supervisor of the employee may approve the use of personal leave, vacation leave, or deduction in salary for time absent as needed and appropriate for the situation requiring the attention of the employee.

Legal absence

Jury duty

The district will grant employees leave without loss of pay when they are summoned for jury duty or subpoenaed. The employee may retain any payment received for jury duty. The district will not charge personal leave or vacation time to the employee when called to jury duty.

When selected for jury duty, teachers, certified personnel at the building level, or bus drivers may request a postponement to a date that does not conflict with the school term.

Court witness related to employment

When a school employee is requested or subpoenaed to testify in a court case that is related to an employee's job in the school district, the district will grant the employee leave, upon application, to testify in court. No personal leave or vacation leave will be charged to the employee for this leave time.

Court witness not related to employment

When a school employee is requested or subpoenaed to testify in a court case that is not related to employment, the district will expect the employee to use personal leave days, vacation time, or deduction in salary for time absent for the court appearance. All fees received will remain with the employee.

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Requests for court witness, jury duty, or emergency leave must be submitted on the appropriate district form accompanied by a copy of the jury summons, subpoena, or other emergency documentation.

Bereavement leave

An employee may use sick leave days or earned vacation days for bereavement associated with the death of a member of his/her immediate family as defined in this policy. The employee must inform his/her supervisor of the number of days the employee expects to be absent.

The superintendent or his/her designee may require a statement from a medical doctor or other acceptable proof that the employee could not fulfill obligations and duties.

Maternity Leave

An employee is eligible to use accrued sick leave during pregnancy and following the birth of a child. An employee may also utilize family medical leave (FMLA) as otherwise provided in this policy to qualify for maternity leave without pay.

An employee on maternity leave will be eligible to return to work upon receipt of medical documentation in human resources which verifies fitness to assume the responsibilities of the job.

A return to work in the same or a similar job position will be guaranteed for leaves up to 90 days.

Employees in instructional positions may be required by the administrator to schedule their return dates slightly later if necessary to coincide with a convenient instructional time unit.

Military Leave

Employees may take military leave without loss of pay, seniority, or efficiency rating for one or more periods not exceeding a total of 15 workdays in one year. Saturdays, Sundays, and state holidays may not be included in this 15 days unless the Saturday, Sunday, or holiday is a regularly scheduled workday for the employee.

This leave may be taken when the employee is engaged in training or other duties ordered by the governor, the Department of Defense, the Department of the Army, the Department of the Air Force, the Department of the Navy, the Department of the Treasury, or any other department or agency of the government of the United States having authority to issue lawful orders requiring military service. This leave applies to employees who are either enlisted or commissioned members of the South Carolina National Guard, the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve or the United States Coast Guard Reserve.

The board expects employees to request their training for a period when school is not in session.

An employee seeking leave for annual active duty training must forward a written request, including the appropriate verifying data, to the superintendent no later than 30 days prior to the pre-arranged military activity.

In the event an employee is called upon to serve during an emergency, he/she will be entitled to paid military leave for a period not exceeding 30 additional days and to unpaid military leave thereafter. Employees who have annual or vacation leave may apply it toward the unpaid portion of their time in military service.

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Conferences/Training Workshops

Professional leave may be granted upon approval of the immediate supervisor. Approved requests will be filed with the personnel department.

Such leave may be granted for the following reasons:

- South Carolina Department of Education sponsored workshops in a related area
- appropriate professional meetings - local, state, and national
- observation in classroom both within and outside the district
- other activities that would enhance the professional growth of certified personnel in their respective areas of responsibility

Funds may be budgeted annually by the board for professional leave and will be allocated to schools and departments according to the number of certified staff. Funds for professional leave may be expended for the payment of a substitute teacher, if required, and for other expenses authorized on the approved leave of absence form.

In cases where a possibility for use of car pools exists, reimbursement will be made on the basis of the authorized mileage rate for the minimum number of vehicles required. Receipts may be required for all authorized expenses.

Professional leaves in excess of 10 consecutive working days must be approved in advance by the board upon the recommendation of the district superintendent.

Consulting and Other Services External to the School District

Personnel may be granted leave to make contributions to other educational agencies or institutions through teaching, conducting workshops, reading grants, or advanced placement examinations or serving in consultative capacity, and other, similar professional activities. Such activities must be approved by the district superintendent or his/her designee.

In the event an individual receives compensation in excess of reasonable expenses, the individual is required to use personal leave or vacation leave or refund any compensation received to the school district.

Sabbaticals

The district may grant sabbatical leave for professional study or service when the board determines it to be in the best interest of the school district. The district may grant certified personnel leave without pay for up to two school years for study or travel under these conditions.

- completion of five years of service in the Aiken County public schools
- approved program of study to advance their job skills in the area of their assignments
- recommendation of the superintendent

The district expects the recipient of the sabbatical leave to return to the district for a minimum of one year.

Adopted: This policy incorporates substantial provisions of prior district policies with effective dates ranging from 11/19/71 through 9/26/95; Revised 11/27/01, 5/28/02, 5/23/06, 2/12/18, 1/12/21, 08/10/21

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Legal references:

A. Federal Law:

1. American with Disabilities Act of 1990, 42 U.S.C.A. Section 12101, *et seq.*
2. The Family and Medical Leave Act of 1993, 29 U.S.C.A. Sections 2601-2654.
3. The Uniformed Services Employment and Reemployment Act of 1994, 38 U.S.C.A. Sections 4301-4334.

B. S. C. Code, 1976, as amended:

1. Section 8-7-20 - Requires granting of military leave, without pay, up to five years.
2. Section 8-7-90 - Requires 15 days per year of leave with pay for members of National Guard and Reserve Units of the various Armed Forces; grants an additional 30 days of leave with pay in emergency situations.
3. Section 8-11-65 - Organ donor leave.
4. Section 9-1-2210 - Teacher and Employee Retention Incentive Program.
5. Section 14-1-190 - Compensation received for jury duty deemed to be expense money.
6. Section 14-7-845 - Relating to optional postponement of jury service for students and employees.
7. Section 25-1-2250 - Employees entitled to leave with pay when serving in National Guard.
8. Section 59-1-400 - Sick leave accrual and use.

SUPPORT STAFF LEAVES AND ABSENCES

Code **GDC** Issued **1/2108/21**

Purpose: To establish the basic structure for all types of support staff leaves and absences.

The continuous presence of employees promotes excellence in the instructional program by ensuring the following:

- uninterrupted continuity of education
- greater teacher-student contact time
- appropriate role-model emulation
- consistent classroom discipline
- reduced cost

Therefore, the board expects employees to come to work every day. The board recognizes, however, that certain absences are unavoidable. At such times, employees should take leave in accordance with this policy and its accompanying administrative rule.

Absent employees must comply with procedures set out in the administrative rule that accompanies this policy.

Sick Leave

Accrual of sick leave

Employees of the district who work at least an equivalent of half time or more will be eligible to accrue sick leave on an annual basis.

All full-time employees of the district will accrue sick leave on a monthly basis for each month of active service. This will provide 12 days for 9 months, 13 days for 10 months, 14 days for 11 months, and 15 days for 12 months. An employee may accumulate sick leave, which is accrued but not used, provided that such employee does not violate his/her service agreement.

Sick leave will be accrued on a monthly basis. Employees with less than one year of service may apply for advancement of up to five days of sick leave not to exceed the maximum number of sick leave days allowed for the year. This request must be submitted to the chief officer of human resources and administration or designee within three days of return to work.

Retired employees who work under a letter of agreement accrue sick leave on a monthly basis. No sick leave days will be reimbursed or carried forward at the end of the school year.

In the event an employee is on medical leave at the time letters of agreements are issued, no letter of agreement will be issued to the employee until a medical report given by a licensed physician is submitted to human resources indicating that the employee is capable of resuming his/her duties.

Use of sick leave for absences

An employee may use sick leave for absences caused by personal illness.

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Use of accrued leave for illness in the immediate family

Accrued sick leave days may be used for serious illness in the employee's immediate family which requires the employee to provide care. An employee who anticipates requiring extended leave to provide care for a family member should submit a Family and Medical Leave Request form to his/her supervisor as far in advance as possible. The supervisor will forward the request to human resources, who will then provide certification documentation to the employee in order to qualify the medical leave. The certification documentation must be completed by a licensed medical physician and indicate the duration of anticipated leave. The request must be approved by the chief officer of human resources and administration or designee. The term "immediate family" includes the following:

- Parent - A biological, adoptive, step or foster father or mother, or someone who stood in loco parentis to the employee when the employee was a son or daughter. Parent for FMLA purposes does not include in-laws.
- Spouse - A husband or wife as defined or recognized in the state where the employee was married and includes individuals in a same-sex marriage or common law marriage.
- Son or Daughter - For leave other than military family leave, a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 years of age, or 18 or older and incapable of self-care because of a mental or physical disability.

When the employee makes a request in writing, the superintendent or designee may grant an employee leave without pay for personal illness following the exhaustion of all accrued sick leave and any additional leave granted from the sick leave bank or shared leave as described in policies GCCAAA and GCCAAB.

The district will assign an employee who returns to work the same or similar duties that he/she performed prior to going on leave, if such assignment is in the best interest of the district. If the administration does not consider it to be in the best interest of the district to assign the employee to the position he/she had prior to going on leave or to a similar position, the district will offer the employee a position for which he/she is qualified. The district will place the employee on the payroll at his/her pre-leave salary status.

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administration does not consider it to be in the best interest of the district to assign the employee to the position he/she had prior to going on leave or to a similar position, the district will offer the employee a position for which he/she is qualified. The district will place the employee on the payroll at his/her pre-leave salary status.

Termination

The district may terminate the employment of any employee who fails to comply with the requirements of this policy and accompanying administrative rule, who fails to report to work at the expiration of authorized leave, or who fails to obtain an extension of leave.

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An employee of a state agency transferring to any school district in the state or a school district employee transferring to a state agency may transfer to and retain all sick leave he/she accumulated at his/her former place of employment up to 90 days, provided proper documentation is received from the sending district or state agency. Termination of employment cancels cumulative sick leave. [Exiting employees may donate available accrued sick leave to the sick leave bank.](#) If reemployed, the employee has the status of a new employee.

Reimbursement for unused leave

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In complying with the FMLA, the district will adhere to the requirements of the Americans with Disabilities Act as well as other applicable federal and state laws.

For further information, please refer to administrative rule GDC-R.

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In the event of a change in this policy, accumulated personal leave days will revert to sick leave days. Any additional absences for personal leave will be absence with full loss of a day's salary.

Emergency leave

When a personal situation requires the absence of an employee, the immediate supervisor of the employee may approve the use of personal leave, vacation leave, or deduction in salary for time absent as needed and appropriate for the situation requiring the attention of the employee.

Legal absence

Jury duty

The district will grant employees leave without loss of pay when they are summoned for jury duty or subpoenaed. The employee may retain any payment received for jury duty. The district will not charge personal leave or vacation time to the employee when called to jury duty.

When selected for jury duty, teachers, certified personnel at the building level, or bus drivers may request a postponement to a date that does not conflict with the school term.

Court witness related to employment

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The superintendent or his/her designee may require a statement from a medical doctor or other acceptable proof that the employee could not fulfill obligations and duties.

Maternity Leave

An employee is eligible to use accrued sick leave during pregnancy and following the birth of a child. An employee may also utilize family medical leave (FMLA) as otherwise provided in this policy to qualify for maternity leave without pay.

An employee on maternity leave will be eligible to return to work upon receipt of medical documentation in human resources which verifies fitness to assume the responsibilities of the job.

A return to work in the same or a similar job position will be guaranteed for leaves up to 90 days.

Employees in instructional positions may be required by the administrator to schedule their return dates slightly later if necessary to coincide with a convenient instructional time unit.

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Employees may take military leave without loss of pay, seniority, or efficiency rating for one or more periods not exceeding a total of 15 workdays in one year. Saturdays, Sundays, and state holidays may not be included in this 15 days unless the Saturday, Sunday, or holiday is a regularly scheduled workday for the employee.

This leave may be taken when the employee is engaged in training or other duties ordered by the governor, the Department of Defense, the Department of the Army, the Department of the Air Force, the Department of the Navy, the Department of the Treasury, or any other department or agency of the government of the United States having authority to issue lawful orders requiring military service. This leave applies to employees who are either enlisted or commissioned members of the South Carolina National Guard, the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, or the United States Coast Guard Reserve.

The board expects employees to request their training for a period when school is not in session.

An employee seeking leave for annual active duty training must forward a written request, including the appropriate verifying data, to the superintendent no later than 30 days prior to the pre-arranged military activity.

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Conferences/Training Workshops

Professional leave may be granted upon approval of the immediate supervisor. Approved requests will be filed with the personnel department.

Such leave may be granted for the following reasons:

- South Carolina Department of Education sponsored workshops in a related area
- appropriate professional meetings--local, state, and national
- other activities that would enhance the professional growth of support personnel in their respective areas of responsibility

In cases where a possibility for use of car pools exists, reimbursement will be made on the basis of the authorized mileage rate for the minimum number of vehicles required. Receipts may be required for all authorized expenses.

Professional leaves in excess of 10 consecutive working days must be approved in advance by the board upon the recommendation of the district superintendent.

Consulting and Other Services External to the School District

Personnel may be granted leave to make contributions to other educational agencies or institutions through teaching, conducting workshops, or serving in consultative capacity and other similar professional activities. Such activities must be approved by the district superintendent or his/her designee.

In the event an individual receives compensation in excess of reasonable expenses, the individual is required to use personal leave or vacation leave or refund any compensation received to the school district.

Adopted: This policy incorporates substantial provisions of prior district policies with effective dates ranging from 11/19/71 through 9/26/95; Revised 11/27/01, 5/28/02, 5/23/06, 1/24/17, 2/12/18, 1/12/21, 08/10/21

Legal references:

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1. The Family and Medical Leave Act of 1993, 29 U.S.C.A. Sections 2601-2654.
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