

# **SUPPORT STAFF LEAVES AND ABSENCES**

*Code GDC Issued 5/23*

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.

## **Definitions**

For purposes of this policy, the term “full-time employees” means persons employed by the district full time, a minimum of 30 hours per week.

The “immediate family” is as follows.

- father
- mother
- spouse
- child
- sister
- brother
- aunt
- uncle
- daughter-in-law
- son-in-law
- mother-in-law
- father-in-law
- grandparents
- grandchildren
- guardian or ward living in the household
- step-children
- step-parents
- step-siblings

## **Sick Leave**

### *Accrual of paid sick leave*

All full-time employees of the district will accrue sick leave on the basis of one and one-fourth days of sick leave for each month of active service. This will provide 12 days for nine months, 12.50 days for 10 months, 13.75 days for 11 months, and 15 days for 12 months. Sick leave for the year will be advanced on the first day the employee officially reports for work.

Employees may accrue up to 150 days of sick leave which is accumulated but not used, provided that such employees do not violate their respective contracts. This accrued leave can only be used

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for documented personal or immediate family illness, death in the immediate family or dire emergency as approved by the superintendent.

### *Advancement of paid sick leave*

Sick leave will be advanced on the first day that a full-time employee officially reports to work. If an employee leaves the district and has used more advanced days than he/she has earned to date, the salary paid for the unearned sick leave days will be deducted from the employee's last pay check, prorated to the individual's daily salary.

Sick leave is to be used for absences caused by personal illness, illness in the immediate family or death in the immediate family. Additionally, employees may annually use up to three days of sick leave for personal reasons. Unused personal leave accumulates as sick leave. Personal leave must be approved by the principal at least two days before this absence.

Sick leave not used annually may be accumulated to a maximum of 150 leave days. An employee using leave as provided for in this policy will not be terminated from employment nor will any such employee be terminated during a continuing period of personal illness of less than 91 days.

This policy also includes the following provisions.

- During the first five days of student attendance of the school term, the last 10 days of student attendance of the school term, on designated in-service education days and on state testing days, an employee may take leave only for personal illness or death in the immediate family. In case of other verifiable dire emergencies, the superintendent or his/her designee may grant leave during the above periods. The employee must secure written permission from his/her principal prior to requesting an exception from the above leave policy from the superintendent or his/her designee.
- An employee who desires to use leave other than for personal illness or death in the family, the day before or the day following holidays, must secure the prior written consent of his/her principal and the superintendent or his/her designee.
- One half day is the smallest denomination of leave time which can be recorded against an employee.
- Upon a written request of an employee, any accumulated leave up to a maximum of 90 days will be transferred to any school district or state agency in the state as required by Section 59-1-400, Code of Laws of South Carolina 1976. Employees hired in Latta School District will be credited leave days based on their previous leave entitlements as stated in this policy. If an employee leaves and returns within three years, he/she may bring forward his/her accumulated leave.
- Special cases that are not covered by the above provisions may be submitted to the superintendent for consideration.
- The district does not buy back unused sick leave or participate in a "community use bank" of sick days.
- The district, based on each annual budget, may provide perfect attendance bonuses for professional teaching staff.

## **Part-Time Employees**

Latta School District

For purposes of this policy, part-time employees will mean any individuals employed in the district who work less than 30 hours per week for a school year for that position. This does not include substitutes.

Leave days do not begin to accumulate until a part-time employee has been employed 90 days. Upon successful completion of 90 days of employment, the leave and years of credit will begin accruing from the first day of employment.

Part-time employees who meet the above requirement may earn nine days of sick leave (60 percent of 15 days for 12-month employees) per year.

### **Adjustments in Pay**

All absences in excess of an employee's authorized entitlements will be considered as days of leave without pay.

Pay adjustments for absenteeism in excess of leave entitlements will be made in the pay period in which they occur or the pay period following the absence. Such adjustments will be taken from the per day salary of the employee (anticipated annual earnings divided by contract days) and the number of excess absences per category.

### **Procedures Regarding Absences**

An absent employee must complete the district absentee form setting forth the specific reason(s) for his/her absence. The statement must be turned in to the employee's supervisor within two days after the employee returns to work.

An employee will notify his/her immediate supervisor as early as practicable when it is necessary for him/her to be absent. When an employee knows that he/she will be absent for a period longer than five days, he/she should complete and file a request for leave of absence.

An employee who anticipates taking an extended leave of absence should submit the request for leave to his/her supervisor at least 30 calendar days prior to the effective date of the leave. The leave request must include a statement from a licensed medical doctor stating the anticipated length of convalescence or period required for medical treatment.

Any employee returning from an extended leave of absence must present a statement from the attending physician certifying the employee's ability to return to a normal work schedule.

When the employee makes a request in writing, the superintendent or his/her designee may grant an employee leave without pay for personal illness following the exhaustion of all leave. If an employee has less than 91 days of accumulated leave, leave with and without pay will not exceed 91 workdays in any school year without special authorization from the superintendent or his/her designee and is not to extend beyond the immediate school year.

### **Verification and Use of Leave**

The use of sick leave is subject to verification. Specifically, an employee must submit a physician's statement verifying an illness when the employee has been on sick leave for more than 10 working days within a school year, after an absence of three consecutive days or if the employee is requesting extended leave. The district also reserves the right to require an employee to submit a medical physician's statement verifying an illness when the administration believes verification is needed or when an employee's use of sick leave forms a pattern or abuse is suspected.

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A doctor's statement that the illness of an immediate family member requires the presence of the employee must be submitted for absences greater than three days.

If the employee does not provide the required physician's statement within five working days upon written request, the district may take appropriate disciplinary actions, up to and including a recommendation of termination from employment.

The district may require the opinion of a second physician designated and paid for by the board regarding verification of any illness or disability.

The district may require an employee to provide a physician's statement attesting to his/her ability to perform required duties before returning to work.

In order that the district may secure an adequate replacement and make other appropriate arrangements, an employee who anticipates using leave for 10 consecutive school days or more must notify the principal in writing regarding his/her anticipated dates of absence as soon as possible.

Ordinarily, employees will be expected to return to work the first school day after the recuperative period is completed.

Unless the length of the absence has been definitely determined through prior communications, an employee who is absent is required to notify the principal or his/her designee in the afternoon of each day of absence and report whether or not the absence will be continued the following day. This report on each day of the absence is essential for scheduling a substitute.

### **Reinstatement of Sick Leave**

A person whose employment is terminated due to a reduction in force (RIF), will have all accumulated sick leave benefits reinstated provided the return to work occurs within a two-year recall period.

### **Organ Donor Leave**

Employees may take a leave of absence to be an organ donor without loss of pay, time, or leave for one or more periods not exceeding a total of 30 workdays in a fiscal year. Saturdays, Sundays, and state holidays may not be included in this 30 day period unless the Saturday, Sunday, or holiday is a regularly scheduled workday for the employee.

An employee seeking leave to be an organ donor must forward a written request, including the appropriate documentation from the attending physician verifying that the employee is the donor, to the superintendent or his/her designee no later than 30 days prior to the commencement of leave, or as soon as practicable based on the specific circumstances.

### **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 request extended leave in accordance with 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 previously approved leave.

An employee is also 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 annual 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 employee during a continuing sick leave of less than 91 workdays, provided none of the aforementioned grounds for termination are present.

### **Family and Medical Leave Act (FMLA)**

The board will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA). Eligible employees are entitled to up to 12 workweeks of unpaid family and medical leave within the fiscal year (July 1st through June 30th). FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. The district will continue to pay its portion of the employee's health benefits during the leave. In addition, the district will restore the employee to the employee's original position or to an equivalent position with equivalent pay, benefits, and other terms of employment after the termination of the leave in accordance with board policy. To implement this policy, the board authorizes the superintendent and district administrators to develop an administrative rule to provide a fair and systematic procedure by which eligible employees may take leaves of absences for family and medical reasons.

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.

### **Sabbaticals**

The district does not grant sabbatical leave.

Adopted 7/1/75; Revised 7/17/78, 11/20/84, 8/13/91, 9/12/95, 9/10/96, 10/14/97, 9/12/00, 11/12/02, 3/8/05, 1/9/07, 3/10/09, 8/9/11, 5/9/23

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#### **Legal References:**

- A. United States Code of Laws, as amended:
  - 1. Americans with Disabilities Act of 1990, 42 U.S.C.A. Section 12101, *et seq.*
  - 2. Family and Medical Leave Act, 29 U.S.C.A. Section 2601, *et seq.*
  - 3. Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C.A. Sections 4301, *et seq.*
- B. S.C. Code of Laws, 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 14-1-190 - Compensation received for jury duty deemed to be expense money.
  - 5. Section 14-7-845 - Relating to optional postponement of jury service for students and staff members.
  - 6. Section 25-1-2250 - Staff members entitled to leave with pay when serving in National Guard.
  - 7. Section 59-1-400 - Sick leave accrual and use.
  - 8. Section 59-25-47 - Unused leave payments authorized.