

WINTHROP UNIVERSITY

SICK LEAVE POLICY

THIS DOCUMENT IS NOT A CONTRACT BETWEEN EMPLOYEES AND WINTHROP UNIVERSITY, EITHER EXPRESSED OR IMPLIED. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. WINTHROP UNIVERSITY 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.

A. Statement of Policy

It is the policy of Winthrop University that all employees assigned to permanent positions shall earn and use sick leave credits in accordance with provisions of the “Sick Leave Act” and the Budget & Control Board’s “Sick Leave Guidelines.”

B. Applicability

The provisions set forth below apply to all employees who are assigned to established classified and unclassified positions, including faculty.

C. Earning Sick Leave

1. Leave eligible twelve month and part-time employees who work at least 20 hours per week, earn sick leave at the rate of one and one quarter work days per month. Nine-, ten-, and ten and a half month employees earn sick leave during their base period of employment.
2. Part-time employees who are scheduled to work less than 20 hours per week and employees assigned to temporary positions do not earn sick leave credits.
3. Maximum Carry Over – Eligible full-time and part-time employees earn and accrue sick leave credits each month up to 195 days. However, only 180 work days of sick leave may be carried over from one calendar year to the next.
4. Temporary employees and employees scheduled to work less than 20 hours per week do not earn sick leave credits.
5. In order to earn sick leave credits, the employee must be in paid status for one half or more of the work days in the month.

D. Using and Charging Sick Leave

NOTE: Leave taken under this section may qualify as FMLA leave and, if so, will run concurrently. See the Winthrop University FMLA Policy.

1. To the extent of the employee's accrued sick leave credits, sick leave may be charged when the employee is unable to work due to personal illness, injury or disability, for medical and dental appointments which cannot reasonably be scheduled outside the employee's normal working hours and when the employee's presence would endanger the health of students or other employees.

Also, sick leave may be charged by an employee who is participating in a public or a private alcoholism treatment and rehabilitation program which has been approved by the SC Department of Mental Health.

2. An employee may use a maximum of 10 work days of sick leave during a calendar year to provide care for members of the immediate family who become ill or disabled. For the purpose of this section, "immediate family" includes the employee's spouse and children and the following relations to the employee or the spouse of the employee: mother, father, sister, brother, grandparent, legal guardian and grandchildren.
3. Prior to the period of inability to work for maternity purposes, the employee will be expected to submit a statement from her doctor establishing the beginning and approximate ending dates of her period of inability to work. For eligible employees, sick leave due to the birth of a child may be covered under the Family Medical Leave Act. Please see the Winthrop University FMLA Policy or contact HR.
4. An employee who adopts a child may use up to six weeks of accrued sick leave credits for the purpose of providing care for the child immediately following placement. Leave time authorized by this section may be approved only if the employee is the person who will be primarily responsible for the care and nurturing of the child during this period. For eligible employees, sick leave due to the adoption of a child may be covered under the Family Medical Leave Act. Please see the Winthrop University FMLA Policy or contact HR.
5. In order to be eligible for sick leave with pay, on the first day of each absence the employee must notify the supervisor early in the day as to the reason for the absence. If the employee works in a unit or department which maintains operations 24 hours per day, the employee will be expected to notify the department before the beginning of his/her shift. While the employee is not necessarily required to call in each day of the period of absence after the first day, the employee is expected to keep the supervisor informed as to the status of his/her illness and the date the employee expects to return to work.
6. An employee who has scheduled a medical or dental appointment should request approval for leave from the supervisor as far in advance as practical and should notify the supervisor before leaving the work station to go to the appointment.

7. The use of sick leave is subject to verification. When there is reason to believe that an employee is abusing sick leave privileges, the department head may require a statement from the employee's physician or other acceptable documentation before approving the employee's leave request. Excessive absenteeism, when not medically certified, may result in disciplinary action up to and including termination.
8. Sick leave time will be charged to the nearest one quarter hour for the actual time the employee is away from the job, and reported on the web based portal each pay period in which sick leave is taken.
9. When a holiday is observed by the university during the period an employee is on sick leave with pay, the employee will receive only his regular holiday pay for that day and the day will not be charged against the employee's sick leave earnings.
10. Advance of Sick Leave Credits – Under extenuating circumstances, the President may authorize an advance of up to 15 workdays of sick leave with pay (prorated for part-time employees.) A request for an advance of sick leave should be forwarded by the employee to the President through the employee's department head and the vice president for the division in which the person is employed. Written verification from a health care provider stating that the employee is expected to return to work within the specified time period is required. The employee's past history of leave use may be taken into account in making a determination. After returning to work, the employee's sick leave earning will be credited against the advance(s) until the deficit has been erased. If the employee separates employment before satisfying the sick leave deficit, and later returns to state employment, the leave deficit will need to be satisfied upon reemployment.

E. ADA Accommodations

Certain extended impairments may be protected as disabilities and may require reasonable accommodation. In certain cases, the use of leave may be considered a reasonable accommodation. Determinations regarding reasonable accommodations will be made on a case-by-case basis as determined by the circumstances.

The University requires, prior to approval of leave as a reasonable accommodation, certification by the health care practitioner to a reasonable degree of medical certainty to include at a minimum:

- (a) the date on which the disability commenced;
- (b) the probable duration of the condition and a probable return date; and
- (c) appropriate medical facts within the knowledge of the health care practitioner regarding the condition and any work limitations.

Dates set forth in the health care practitioner's certificate may be amended. The University may require additional documentation from the health care practitioner issuing

the certificate, or may secure additional medical opinions from other health care practitioners.

If an employee's health care practitioner or the employee identifies a disability as long-term, the University may suggest to the employee to contact the Public Employee Benefit Authority (PEBA) as soon as possible to evaluate eligibility for any appropriate benefits, such as insurance or retirement, if the employee believes it would be appropriate.

Employees who would like to request accommodation under the ADA may speak with their supervisor or contact the Office of Human Resources. For questions regarding the ADA, please contact the Office of Human Resources.

F. Transfer of Sick Leave from one SC State Agency to another

1. When an employee transfers from one SC State agency to another without a break in service, all sick leave credits are transferred with the employee from the losing agency to the gaining agency.
 - a. Break in Service – In the event of one of the following occurrences, an employee has experienced a break in service and may not transfer sick leave credits to the gaining agency. Likewise, all sick leave credits that were accrued at the losing agency are forfeited. The State of SC does not allow for monetary reimbursement or pay out of sick leave upon separation from employment.
 - The employee does not report to work with the gaining agency within fifteen calendar days following the last day worked (or approved day of leave) at the losing agency.
 - The employee is moving from a permanent position to a non-FTE temporary grant position.
 - The losing agency paid out the employee's annual leave upon separation.
 - The employee has been in leave-without-pay status for a period of more than one calendar year.
2. An employee who transfers to the university from a SC school district is permitted to transfer the balance of all unused sick leave from the former employer. It is the employee's responsibility to provide HR with a written statement from the school district which states the unused sick leave balance.

G. Termination of Employment

1. Upon Retirement – Employees hired prior to July 1, 2012 who participate in the State Retirement System and retires from active service will receive credit for service for up to ninety workdays (four and one-half months) of unused sick leave. This additional service credit may not be used to qualify for retirement. Employees hired after July 1, 2012 who participate in the State Retirement System are not eligible to apply unused sick leave to receive service credit for retirement purposes.
2. Upon Termination Other Than Retirement – All accrued sick leave credits are forfeited when employment with the State of SC is terminated for any reason other than retirement.