

WINTHROP UNIVERSITY OTHER LEAVE POLICY

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A. Applicability

The provisions set forth below apply to all employees assigned to established classified and unclassified positions full-time equivalent (FTE) positions, and where specifically stated, to other employees.

B. Jury Duty / Court Leave

1. An employee who is summoned as a member of a jury panel shall be granted administrative leave with pay and any jury fees and travel payment shall be retained by the employee. Employees who are summoned to jury duty will be expected to work on any given day only the number of hours that, when added to the hours required in court, equal the normal workday for the employee.
 - a. The employee must request prior approval for this leave by submitting a copy of the jury duty notice, court hearing notice or subpoena to the supervisor. A copy of the documentation should be sent to the Office of Human Resources, and the jury duty/court leave should be recorded on the electronic timesheet for non-exempt employees or on the electronic leave report for exempt employees.
 - b. Any day an employee is excused from service on a jury, the employee is expected to return to the job during any period within the employee's normal work schedule; otherwise, the time the employee is excused from court service will be charged to annual leave, or in the case of illness, to sick leave.
2. An employee, who is a victim of or witness to a crime and must attend court in relation to the case or in order to obtain an Order of Protection or restraining order, shall receive court leave with pay.
3. An employee who is subpoenaed as a witness shall be entitled to administrative leave with pay. If the employee will not receive any personal gain for the outcome of the litigation, the employee may retain any witness fee and payment for travel expenses. The official subpoena must be submitted to the Office of Human Resources.

- a. In no cases shall administrative leave with pay be granted for court attendance when an employee is engaged in personal litigation (other than as described in section B.2. above); however, an employee may be granted annual leave or leave without pay when annual leave is not available.
- b. An employee who is subpoenaed in the line of duty to represent a state agency as a witness or defendant shall not be granted administrative leave with pay and the appearance in such cases shall be considered a part of the employee's job assignment. The employee shall be reimbursed according to Winthrop's guidelines for reimbursement for any meals, lodging and travel expenses that may be incurred while serving in this capacity.

C. Voting Leave

Generally, the polls open early enough and/or close late enough, or early voting is available to provide employees with the opportunity to vote at a time other than during the regular workday. In the event an employee's work schedule would preclude having an opportunity to vote, the employee may be granted up to two hours of leave with pay for this purpose. The employee may be asked to provide information to the supervisor regarding the circumstances resulting in the employee's inability to vote at a time other than during the regular workday.

D. Death in Immediate Family Leave

In the event of a death within an employee's "immediate family," the employee may be granted up to three days of leave with pay. For the purposes of this section, "immediate family" is defined as the spouse, great-grandparents, grandparents, parents, legal guardians, sisters, spouse of sisters, brothers, spouse of brothers, children, spouse of children, grandchildren, great-grandchildren of either employee or the spouse.

Among those not included under this policy are aunts, uncles, nieces, nephews and cousins. The employee is expected to notify the supervisor of the circumstances before taking leave due to a death in the immediate family. The name of the deceased and the relationship to the employee must be indicated in the "notes" section of the electronic timesheet for non-exempt employees or on the electronic leave report for exempt employees.

If the employee needs to be excused from work for more than the three days of leave provided under this policy, the employee may request annual leave (or leave without pay if no annual leave is available.)

E. Blood Drive and Donation Leave

Employees are permitted to participate in a blood drive during their regular work hours without using sick or annual leave.

An employee who wishes to donate blood is expected to notify their supervisor as far in advance as possible. The university may deny the employee's request for time to donate if the absence of the employee would create an extraordinary burden on the operations of the department. The university may request the employee to provide documentation of the donation as a condition of approving the leave request.

F. Bone Marrow Donor Leave

Employees in FTE positions who work an average of 20 hours or more a week and who seek to undergo a medical procedure to donate bone marrow may be granted bone marrow donor leave with pay. The total amount of paid leave may not exceed 40 work hours unless additional time is approved by the President. Leave requests for bone marrow donation must be submitted to the Office of Human Resources and medical documentation from a health care practitioner is required that indicates the purpose and amount of time needed for each leave request. If a medical determination finds that the employee does not qualify as a bone marrow donor, the paid leave of absence granted to the employee before that medical determination is not forfeited.

G. Organ Donor Leave

Employees who wish to be an organ donor and who accrue annual or sick leave as part of their employment are entitled to leaves of absence from their respective duties without loss of pay, time, leave or performance rating for one or more periods not exceeding a total of thirty regularly scheduled workdays in any one calendar year during which they may engage in the donation of their organs. Saturdays, Sundays and state holidays may not be included in the thirty-day total unless the particular Saturday, Sunday or holiday to be included is a regularly scheduled workday for the employee involved.

The employee must present medical documentation confirming that the employee is a donor from the attending physician of the proposed organ donation to the Office of Human Resources before leave is approved.

H. American Red Cross Certified Disaster Service leave

1. An employee who is a certified American Red Cross disaster service volunteer may use up to ten days of paid leave in a calendar year to participate in

specialized disaster relief services with the approval of the President. Official documentation must be provided to the Office of Human Resources from the American Red Cross declaring the need for volunteer for disaster relief services.

2. Employees who participate in other voluntary disaster relief services must obtain approval from the supervisor and use accrued annual leave.

I. Military Leave

(Also see the Family and Medical Leave Act Policy, Section E, Service member Family and Medical Leave)

Paid military leave may apply to employees in FTE, temporary grant, time-limited, or temporary positions. Employees with official military orders are eligible for paid military leave to engage in training or any other duties to which they are lawfully ordered. All written or oral orders are considered official military orders when issued by an official military authority. An employee is required to provide official written military orders upon request to the Office of Human Resources; however, written military orders may not be available before the employee is required to leave for military service. Winthrop University shall not refuse military to an employee who has official oral or written military orders. An employee who volunteers for a military service assignment and an official military order is issued, is eligible to receive paid military leave.

If an employee who is eligible for holiday leave is on military leave when a holiday is observed by Winthrop University and the holiday would be a regularly scheduled workday for the employee, the employee shall receive the holiday, and the holiday will not count towards military leave. Employees on approved military leave with or without pay for more than 30 consecutive workdays may have their performance review dates advanced up to 90 calendar days after the first 30 workdays

Employees should contact Winthrop's benefits administrator or the South Carolina Public Benefit Authority (PEBA) for questions related to insurance or retirement associated with military leave.

1. Short-Term Military Leave with Pay
 - a. An employee who is a member of the SC National guard or a reserve unit of the United States Armed Forces will be entitled to military leave with pay for up to 15 regularly scheduled average workdays in any one calendar year while taking part in training exercises or other duties ordered by the appropriate authority. The employee should make a one-time declaration of whether the year is a considered calendar or federal fiscal year, which is typically determined based on the year used by the employee's military unit.

The 15 workdays of short-term military leave are not required to be consecutive.

- b. The 15 days of short-term military leave cannot be used for travel time outside of the dates on the orders. If available, an employee may request annual leave, compensatory time or leave without pay for travel time to get to the assignment outside of the dates on the order.

2. Additional Military Leave

- a. An employee who receives official military orders to serve during a declared emergency is entitled to 30 regularly scheduled average workdays of paid leave per declared emergency in addition to the 15 workdays of paid military leave granted each year.
- b. A full-time employee who serves on active duty in a combat zone and who has exhausted all available military leave is entitled to receive up to 30 additional days of military leave in any one year. Part-time employees are not eligible.
- c. In addition, a full-time FTE employee who earns annual or sick leave may use up to 45 days of annual leave and up to 90 days of sick leave in a calendar year to serve on active duty because of an emergency or conflict declared by the President of the United States. The employee must request the leave in writing and present appropriate documentation to the supervisor as soon as orders are received.

3. Leave Without Pay for Military Service

An employee in a leave-earning position who works or is on paid leave at least half of their scheduled workdays for the month, is eligible to receive their monthly annual and sick leave accruals. In general, employees on extended periods of leave without pay for military service do not accrue annual or sick leave during the period of leave without pay. The state service date, continuous service date and leave accrual date must not be adjusted for an employee on a military tour of duty with reemployment rights protected under federal or state law.

4. Reemployment Rights

- a. In accordance with the Uniformed Service Employment and Reemployment Rights Act (USERRA), Winthrop is required to reemploy employees returning from military service as long as the length of military service does not exceed five years.
- b. USERRA provides that returning service members are to be reemployed in the job that they would have attained had they not been absent for military service (the "escalator" principle), with the same seniority, status and pay, as well as other rights and benefits determined by seniority. USERRA also requires that reasonable efforts (such as training or retraining) be made to enable returning service members to qualify for reemployment. If the service member cannot qualify for the "escalator" position, he or she must be

reemployed, if qualified, in any other position that is the nearest approximation to the escalator position and then to the pre-service position. USERRA also provides that while an individual is performing military service, he or she is deemed to be on a furlough or leave of absence and is entitled to the non-seniority rights accorded other similarly situated individuals on non-military leaves of absence. The time limits for returning to work are as follows:

- Less than 31 days service: By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight-hour rest period. If this is impossible or unreasonable, then as soon as possible.
- 31 to 180 days: The employee must apply for reemployment no later than 14 days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
- 181 days or more: The employee must apply for reemployment no later than 90 days after completion of military service.
- Service-connected injury or illness: Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.

J. Administrative Leave

Employees in full-time equivalent (FTE) positions who are physically attacked while in the performance of official duties and suffer bodily harm as a result of the attack must be placed on administrative leave with pay by their employer rather than sick leave. The period of administrative leave for each incident may not exceed 180 calendar days.

K. Extended Disability Leave

Under the Americans with Disabilities Act (ADA), the Americans with Disabilities Act Amendments Act (ADAAA), and other applicable laws, certain extended impairments may be protected as disabilities and may require reasonable accommodation. In certain situations, the use of leave may be considered reasonable accommodation. Requests for reasonable accommodation must be forwarded to the Office of Human Resources and determinations regarding reasonable accommodations are made on a case-by-case basis. Employees will be required to provide medical certification by the health care practitioner that provides at a minimum, a) the date on which disability commenced; b) the probable duration of the condition and probable return to work date; and c) appropriate medical facts within the knowledge of the health care practitioner regarding the condition and any work limitations. Winthrop may require additional information up to and including a third-party medical opinion.