

# 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 FTE positions shall earn and use sick leave credits in accordance with Section 19-710 of the South Carolina State Human Resources Regulations.

### B. Applicability

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

### C. Earning Sick Leave and Maximum Carryover

1. Employees in FTE positions shall earn sick leave beginning with the date of employment at the rate of  $1\frac{1}{4}$  workdays per month of service or 15 days per year. To determine the number of hours in a workday, divide the total number of hours an employee is regularly scheduled to work during a week by five (regardless of the number of days the employee actually reported to work).
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. Employees shall earn sick leave while on sick leave, annual leave, or other authorized leave with pay. Employees shall not earn sick leave while on leave without pay.
4. Maximum Carry Over - Full-time and part-time employees in FTE positions shall be permitted to earn up to 195 workdays. Full-time and part-time employees in FTE positions shall carryover from one calendar year to the next any unused earned sick leave up to a total maximum carryover of 180 workdays.

Exception: An employee who changes from a full-time FTE position to a part-time FTE position or from a part-time FTE position to a full-time FTE position without a break in service shall retain the balance of sick leave hours available at

the time of the position status change. If this results in the employee having a maximum accumulation in excess of 180 workdays, as of the effective date of the change, the employee shall not forfeit the excess. The employee shall retain this excess leave which shall be the maximum amount the employee may carry over in future years. If the employee subsequently reduces the amount of such leave carried over, the reduced amount, if in excess of 180 workdays, shall become the employee's maximum carryover into future years. At such time that the employee's sick leave balance is reduced to less than 180 workdays, 180 workdays shall become the employee's maximum carryover into future years.

5. In order to earn sick leave credits, the employee must be in paid status for one half or more of the workdays in the month.

#### D. Using and Scheduling Sick Leave

NOTE: Leave taken under this section may qualify as FMLA or Paid Parental Leave and, if so, will run concurrently. See Winthrop's FMLA and Paid Parental Leave Policies.

1. To the extent of the employee's accrued sick leave credits, sick leave may be charged when the employee is incapacitated due to personal illness, injury, or disability, for medical and dental appointments which cannot reasonably be scheduled outside the employee's normal working hours, or when the employee's presence would endanger the health of students or other employees. [Note: In accordance with Section 8-11-110 of the South Carolina Code of Laws which recognizes alcoholism as a treatable illness, sick leave will be granted for the purpose of participating in public and private treatment and rehabilitation programs which have been approved by the South Carolina Department of Mental Health.]
2. An employee may use a maximum of 10 workdays 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. Sick leave may only be used when the employee or the employee's eligible immediate family member is incapacitated due to illness, pregnancy, or a temporary disability (see Section D, Paragraph 1 and 2 in this policy.) Sick leave may not be substituted for annual leave (used when the employee would otherwise use annual leave.)
4. Prior to the period of incapacity related to pregnancy or other temporary disabilities, the employee will be expected to submit a statement from a health

care provider establishing the beginning and approximate ending dates of the period of incapacity. For eligible employees, sick leave due to the birth of a child may be covered under the Family Medical Leave Act and the Paid Parental Leave Policy. Please see the Winthrop University FMLA Policy and Paid Parental Leave Policy, or contact the Office of Human Resources, Employee Diversity, and Wellness for additional information.

5. In order to be eligible for sick leave with pay, on the first day of each absence the employee must notify the supervisor as early as possible in the workday regarding the need for sick leave, or as required by the supervisor. 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 their shift. In the event of an illness that requires the employee to be out of work two or more consecutive days, the supervisor may forego the requirement to notify the supervisor each day of the illness. However, the employee is expected to keep the supervisor informed as to the date the employee expects to return to work. The need for sick leave covered in this section may qualify as FMLA. Please see the Winthrop University FMLA Policy.
6. An employee who is out of work due to illness for three or more consecutive workdays, multiple times within a month, or in any other consistent manner may be required to provide medical documentation to the Office of Human Resources, Employee Diversity, and Wellness that indicates the nature of the illness, the expected return to work date (if the employee is out of work continuously), or the number of days the employee may be expected to be incapacitated due to the illness.
7. 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 work to go to the appointment.
8. 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 or supervisor may require a statement from the employee's physician or other acceptable documentation before approving the employee's leave request.
9. Unapproved sick leave or the excessive use of sick leave without medical documentation certifying the need for sick leave may result in disciplinary action up to and including termination. See the Winthrop University Progressive Discipline Policy.
10. 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.

11. Annual leave may be substituted for sick leave (used when the employee would otherwise use sick leave.) When the employee exhausts all accrued paid leave, and the employee is unable to return to work due to medical incapacity, the employee shall be on leave without pay.
12. 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.
13. Advance of Sick Leave Credits – Under extenuating circumstances, when an employee has exhausted all sick, annual, and compensatory leave; the divisional Vice President or the division's highest ranking administrative officer 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 divisional Vice President or the division's highest ranking administrative officer through the employee's department head 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. Upon return to work, the employee will have all earned sick leave applied to the leave deficit at the rate of 1¼ days per month (or if part-time, the monthly earning rate) until the deficit has been eliminated. 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. Workplace Accommodations (Americans with Disabilities Act)

In certain cases, the use of leave may be considered a reasonable accommodation under the Americans with Disabilities Act. Determinations regarding requests for reasonable accommodation will be made on a case-by-case basis as determined by the circumstances and the information provided by the employee's physician.

Employees should contact the Office of Human Resources, Employee Diversity, and Wellness to request an ADA-related workplace accommodation.

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

1. An employee who moves from an FTE position to an FTE position within 15 calendar days (or on approved leave days) from the transferring agency shall transfer their sick leave.

2. An employee who moves from a temporary grant or time-limited position to an FTE position within 15 calendar days (or on approved leave days) from the transferring agency shall transfer their sick leave.
3. An employee who moves from an FTE position to a temporary grant or time-limited position within 15 calendar days (or on approved leave days) from the transferring agency shall not transfer their sick leave.
4. 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.

F. 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.