

<b>ADMINISTRATIVE DIVISION</b> HR Division of Human Resources		<b>POLICY NUMBER</b> HR 1.10
<b>POLICY TITLE</b> Leave Transfer Policy		
<b>SCOPE OF POLICY</b> USC System	<b>DATE OF REVISION</b> July 26, 2021	
<b>RESPONSIBLE OFFICER</b> Vice President for Human Resources	<b>ADMINISTRATIVE OFFICE</b> Division of Human Resources	

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## **PURPOSE**

This document sets forth the University of South Carolina Leave Transfer policy for eligible faculty and staff, pursuant to the South Carolina Leave Transfer Act and regulations of the South Carolina Division of State Human Resources.

## **DEFINITIONS**

**Family and Medical Leave Act (FMLA)** - Federal law requiring employers to provide eligible employees with job-protected and unpaid leave for qualified medical and family reasons.

**Full-Time Equivalent (FTE)** - A position authorized by the General Assembly which is expressed as a numerical value as a percentage of time in hours and of funds.

**Personal Emergency** – Limited to catastrophic and debilitating medical situations, severely complicated disabilities, severe accident cases, family medical emergencies or other hardship situations that are likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave.

**Prolonged Period of Time** - Generally interpreted to be a minimum 30 working days.

## **POLICY STATEMENT**

This policy governs the manner in which employees may voluntarily donate sick or annual leave into a leave transfer pool for use by other employees, who have been approved as leave recipients under personal emergency circumstances.

Leave-eligible employees may donate leave to, and/or or apply for a leave transfer from the appropriate university leave pool. Employees in research grant and time-limited positions who accrue leave at the same rate as an FTE employee may donate and receive leave if all other eligibility requirements are met.

Leave taken pursuant to this policy may qualify as FMLA leave and, if so, will run concurrently.

### **Leave Donations**

Employees in FTE positions, including probationary employees, and employees in research grant and time-limited positions who accrue leave at the same rate as an FTE employee, may donate leave to the University Leave Pool.

Leave donations may be made throughout the calendar year, but not after the established deadline in December

- A. Eligible employees with 15 days or less of sick leave may not donate sick leave, as employees must maintain a minimum balance of 15 days after donating sick leave.
- B. When leave has been donated to the leave pool, it may not be restored or returned to the leave donor.
- C. An employee may donate no more than one-half of the annual or sick leave they earn within a calendar year to the appropriate leave pool for that calendar year.

### **Leave Transfer**

The requesting employee must be eligible to accrue sick and/or annual leave to qualify as a recipient of transferred leave. Employees in research grant and time-limited positions who accrue leave at the same rate as an FTE employee may receive leave if all other eligibility requirements are met.

- A. The requesting employee must have experienced a personal emergency, as defined in this policy as limited to catastrophic and debilitating medical situations, severely complicated disabilities, and severe accident cases which would require a prolonged period of recuperation. Routine disabilities or disabilities resulting from elective surgery do not qualify for leave transfers from the leave pool. The personal emergency may be subject to verification.

- B. An eligible employee must have been in leave without pay status for a minimum of 30 working days or be able to provide documentation certifying that a medical emergency will result in a period of leave without pay for that period of time. However, an employee who is within 30 days of becoming eligible for long-term disability benefits or disability retirement, and who has exhausted all accrued leave due to the prolonged personal emergency, will be eligible for leave transfer even though the total period of leave without pay may be for less than 30 working days.
- C. An eligible employee must exhaust all earned sick and/or annual leave (as appropriate according to University Sick and Annual Leave policies) prior to using approved transferred leave.
- D. Employees who become eligible for other paid benefits will generally be considered ineligible for leave transfer from the leave pool. Examples of other paid benefits include but are not limited to, workers' compensation, long-term disability, and disability retirement benefits.
- E. There is no limit to the number of separate requests that a faculty or staff member may submit; however, each separate request must be limited to no more than 30 working days.
- F. Sick or annual leave transferred under this program may be substituted retroactively for periods of leave without pay or used to liquidate indebtedness for advanced sick leave.
- G. When a faculty or staff member returns to work, the personal emergency ends, or employment terminates, any transferred leave remaining in the leave recipient's balance must be restored to the leave pool. When employment terminates, transferred annual leave from the pool may not be included in a lump sum payment for accrued leave or included for retirement computation purposes, if otherwise applicable.

## **Approvals**

The requesting employee's department head is responsible for determining whether there are sufficient funds to pay for the leave requested from the Leave Pool. Insufficient funds may justify denial of a leave transfer request. Additional factors such as the individual's leave usage record may be considered before recommending approval of a leave transfer.

All requests for leave transfer, regardless of the recommendation from the department, must be forwarded to the Division of Human Resources for final approval or denial. The decisions of the University's Division of Human Resources regarding the approval or denial of a leave transfer are final, and there is no administrative or judicial appeal of the decisions.

## **PROCEDURES**

Procedures, forms, and general guidance related to this policy can be found on the Division

of Human Resources website at <http://hr.sc.edu/>.

#### Leave Donations

- A. If a faculty or staff member wishes to donate leave to the leave pool, the request must be submitted electronically by the employee in HCM. The request will be reviewed by the Division of Human Resources.
- B. If the donation is approved, the leave donor's sick and/or annual leave balance will be decreased by the specified amount.
- C. Notification of this action will be provided to the employee requesting to donate leave. If a donation is denied, the employee requesting to donate leave will also be notified.

#### Leave Transfer Requests

- A. When an eligible employee experiences a personal emergency requiring time away from work for which they have no paid leave, they may request a leave transfer by submitting a request electronically in HCM. The request must include an explanation of the personal emergency, a brief leave history explaining the reason there is insufficient leave to cover the time needed, and a physician's note verifying the actual or estimated return to work date.
- B. It will be the responsibility of the department head to review the request, verify the leave history and make a recommendation for approval or disapproval. Regardless of the recommendation from the department, the request will be reviewed by the Division of Human Resources.
- C. If the leave transfer request is approved, the approved amount of sick and/or annual leave will transfer to the leave recipient's balance.
- D. When a leave recipient returns to work, the personal emergency ends, or employment terminates, the department head must complete a Return from Leave Notification (form P-73) and send it to the Division of Human Resources. Regional and four-year campuses should route these forms through their Human Resources Officer. Any transferred leave remaining in the balance of the leave recipient must be restored to the leave pool.

## RELATED UNIVERSITY, STATE AND FEDERAL POLICIES

[State Division of Human Resources Regulations 19-711](#)

[HR 1.03 Annual Leave](#)

[HR 1.06 Sick Leave](#)

[HR 1.07 Family and Medical Leave](#)

## HISTORY OF REVISIONS

<b>DATE OF REVISION</b>	<b>REASON FOR REVISION</b>
April 12, 2017	Change in eligibility to include employees in research grant and time-limited positions who accrue leave at the same rate as an FTE employee based on State guidelines revision.
July 26, 2021	Updated to new format Revised for clarity and to align with language in the State Division of Human Resources Regulations. Procedures moved to the Division of Human Resources website