

| | | |
|--|--|---|
| ADMINISTRATIVE DIVISION HR Division of Human Resources | | POLICY NUMBER HR 1.03 |
| POLICY TITLE Annual Leave | | |
| SCOPE OF POLICY USC System | | DATE OF REVISION July 26, 2021 |
| RESPONSIBLE OFFICER Vice President for Human Resources | | ADMINISTRATIVE OFFICE Division of Human Resources |

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE FACULTY, STAFF, OR ADMINISTRATIVE EMPLOYEE AND THE UNIVERSITY OF SOUTH CAROLINA. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE UNIVERSITY OF SOUTH CAROLINA RESERVES THE RIGHT TO REVISE THE CONTENTS 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. THE UNIVERSITY OF SOUTH CAROLINA DIVISION OF HUMAN RESOURCES HAS THE AUTHORITY TO INTERPRET THE UNIVERSITY'S HUMAN RESOURCES POLICIES.

PURPOSE

This document sets forth the University of South Carolina's Annual Leave Policy for all employees who earn annual leave, pursuant to regulations of the South Carolina Division of State Human Resources.

DEFINITIONS AND ACRONYMS

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.

Break in Service: an interruption of continuous State service. An employee experiences a break in State service when the employee either (1) separates from State service; (2) moves from one State agency to another and is not employed by the receiving agency within 15 calendar days following the last day worked (or approved day of leave at the transferring agency); (3) remains on leave for a period of more than 12 months; (4) separates from State service as a result of a reduction in force and is not recalled to the original position or reinstated with State government within 12 months of the effective date of the separation; (5) involuntarily separates from State service and the agency's decision is upheld by the State

Employee Grievance Committee or by the courts; or (6) moves from a full-time equivalent (FTE) position to a temporary, temporary grant, or time-limited position.

POLICY STATEMENT

Annual leave will be earned by and granted to full-time employees and part-time employees in FTE positions who:

1. are scheduled to work at least one-half the workweek on a 12-month basis or
2. are scheduled to work the equivalent of one-half the workweek on a 12-month basis

Faculty on less than a 12-month basis are not eligible to accrue or use annual leave. Faculty on a 12-month basis will not earn annual leave during periods of sabbatical leave. University faculty should refer to the appropriate Faculty Manual for additional details.

Research Grant and Time Limited Positions may be eligible for annual leave depending on the stipulations of the funding source and the terms of the position as established at time of hire. University policy HR 1.85, Research Grant or Time Limited Positions provides additional information regarding leave eligibility, calculation of the leave accrual date and the transfer or payout of annual leave for Research Grant and Time Limited employees. Research Grant and Time Limited employees do not have standing to request review by the director of the Division of State Human Resources of the denial of the use of annual leave.

Leave taken pursuant to this policy may qualify as Family and Medical Leave Act (FMLA) leave and, if so, will run concurrently for those employees eligible for paid leave.

The annual leave policy will be applied in an equitable manner to eligible employees.

PROCEDURES

A. Responsibility for Administration

1. Supervisors are responsible for annual leave authorization and for ensuring that leave and attendance are recorded accurately. Supervisors must notify the appropriate Human Resources Contact (HR Contact) of any absence that exceeds 3 days which may be covered under the Family Medical Leave Act (FMLA), as well as any unauthorized absences and absences involving leave without pay. To reference qualifying reasons for FMLA, please see university policy HR 1.07 Family and Medical Leave.
2. HR Contacts are responsible for assisting with the application of the annual leave policy and ensuring guidelines are followed.

3. The Division of Human Resources is responsible for annual leave policy interpretation and administration.

B. Leave Records

1. The university maintains leave records for each employee covered under the Annual Leave Policy. Leave records are subject to audit.
2. The leave balance of each eligible employee is available in Employee Self Service.

C. Annual Leave Earnings

1. Crediting Annual Leave

- a. Employees who are in a pay status one-half or more of the working days of the month will be credited with leave earnings for the full month. Employees in pay status for less than one-half of the workdays of the month will not earn annual leave for that month.
- b. Employees will earn annual leave while on sick leave, annual leave, or other authorized leave with pay. Employees will not earn annual leave during periods of unpaid leave that exceed one-half or more of the working days in the month.
- c. Employees' annual leave earnings are computed based on the number of hours in the employee's average workday.
- d. Employees' annual leave earnings are based on the employee's leave accrual date. The leave accrual date reflects:
 - 1) All state service in an FTE position, including part-time service, adjusted to reflect periods when there was a break in service.
 - 2) All service as a certified employee in a permanent position of a school district of this state; and
 - 3) At the discretion of the President or the President's designee, all service in any temporary capacity counted towards the employee's probationary period.
 - 4) Employees who separate from employment with the state and who are rehired following a break in service will be given credit for the period of FTE service prior to termination. No credit will be given for the period between separation and re-employment.

2. Rate of Earnings for Five-Day Workweek Schedules of 37.5 or 40 Hours Per Week

a. Ten Years of Service or Less

- 1) Full-time employees in FTE positions with state service of less than 10 years earn annual leave at the rate of one and one-fourth days per month. (See Charts 1 and 2 on the following page)
- 2) Part-time employees in FTE positions earn annual leave on a pro-rata basis.

b. More than Ten Years of Service

- 1) Full-time employees in FTE positions with state service of more than 10 years earn a bonus of one and one-fourth working days of annual leave for each year up to 22 years of continuous service. (See Charts 1 and 2 below)
- 2) Part-time employees in FTE positions with state service of more than 10 years earn bonus leave days on a pro-rata basis.
- 3) Increased leave earnings based upon service of over 10 years will be granted to eligible employees on a monthly basis beginning the month after their adjusted anniversary dates.

3. Rate of Earning for Schedules Other Than a Five-Day Workweek of 37.5 or 40 Hours Per Week

All employees earn the number of days per year based on their years of service. However, the earning rate in hours per month varies according to the length of the workday. If the workday differs from eight hours, divide the number of hours in the workday by eight, then multiply this ration by the earnings rate in the last column of chart #2.

Examples of such schedules include:

- a. Law enforcement employees who are regularly scheduled to work 42 hours per week. Forty-two hours divided by five equals a workday of 8.4 hours.
- b. Part-time employees who are regularly scheduled to work 20 hours per week. Twenty hours divided by five equals a workday of four hours.
- c. Full-time employee who are regularly scheduled to work 39 hours per week. Thirty-nine hours divided by five equals a workday of 7.8 hours.

Chart 1
 Five-Day Workweek – 37.5 Hours per Workweek Earnings
 Rate

| <u>Years of Service</u> | <u>Days Per Year</u> | <u>Hours Per Month</u> |
|-------------------------|----------------------|------------------------|
| 1 - 10 | 15.00 | 9.38 |
| 11 | 16.25 | 10.16 |
| 12 | 17.50 | 10.94 |
| 13 | 18.75 | 11.72 |
| 14 | 20.00 | 12.50 |
| 15 | 21.25 | 13.28 |
| 16 | 22.50 | 14.06 |
| 17 | 23.75 | 14.84 |
| 18 | 25.00 | 15.62 |
| 19 | 26.25 | 16.41 |
| 20 | 27.50 | 17.19 |
| 21 | 28.75 | 17.97 |
| 22 and over | 30.00 | 18.75 |

Chart 2
 Five Day Workweek – 40.0 Hours per Workweek Earnings
 Rate

| <u>Years of Service</u> | <u>Days Per Year</u> | <u>Hours Per Month</u> |
|-------------------------|----------------------|------------------------|
| 1 – 10 | 15.00 | 10.00 |
| 11 | 16.25 | 10.83 |
| 12 | 17.50 | 11.67 |
| 13 | 18.75 | 12.50 |
| 14 | 20.00 | 13.33 |
| 15 | 21.25 | 14.17 |
| 16 | 22.50 | 15.00 |
| 17 | 23.75 | 15.83 |
| 18 | 25.00 | 16.67 |
| 19 | 26.25 | 17.50 |
| 20 | 27.50 | 18.33 |
| 21 | 28.75 | 19.17 |
| 22 and over | 30.00 | 20.00 |

4. Maximum Accrual and Carryover

Employees in FTE positions will be permitted to earn up to a maximum of 30 annual leave days in a calendar year. They may carry over, from one calendar year to the next, any unused annual leave up to a total of 45 days.

Exceptions:

- a. An employee, who changes from being full-time to part-time or from part-time to full-time, without a break in service, shall retain the annual leave hours previously earned. If this change results in the employee having a maximum accumulation in excess of 45 workdays as of the effective date of the change, the employee shall not forfeit the excess, but will retain this amount of leave as their maximum carryover. If the employee subsequently reduces the amount of annual leave carried over to 45 days or less, 45 days shall become the maximum amount of annual leave the employee may carryover thereafter. During the calendar year, an employee may earn annual leave in excess of 45 workdays; however they will not be able to carryover annual leave that exceeds the maximum carryover as described above.
- b. Any employee, who prior to June 2, 1972, accrued and carried over unused annual leave in excess of 45 days, pursuant to the then existing policy of any state-covered entity, will not lose the excess leave, but will retain that amount of leave which will then become the maximum amount the employee may carry over in future years. If the employee subsequently reduces the amount of annual leave carried over to 45 days or less, 45 days will become the maximum amount of unused annual leave that the employee may carry over thereafter.

D. Usage and Charging Annual Leave

1. To the degree possible, an employee's request for a specific period of annual leave shall be approved. Departments may consider workloads and similar factors when reviewing the requests.
2. Department approval is required for the specific periods the employee shall be on annual leave, to include beginning and ending dates and computation of total hours.
3. An employee will be charged annual leave for the actual time they are away from the job.
4. Unauthorized absences such as tardiness, etc. may be charged as leave or unauthorized leave without pay at the discretion of the department head, supervisor, or manager.
5. Annual leave requests may be entered in actual time.
6. When a holiday is observed by the university while an employee is scheduled to be on

annual leave, that day will not be charged as a day of annual leave.

7. The maximum number of accumulated working days of annual leave that may be used in any one calendar year will not exceed 30 working days for full-time and part-time employees.
8. Any time taken that is not covered under other types of paid leave and in excess of 30 days in a calendar year will be allocated as leave without pay, except in accordance with item number 10 below.
9. The employee has the option of using or retaining accrued annual leave prior to going on leave without pay.
10. Upon approval of the Vice President for Human Resources or the Vice President's designee an exception may be granted for an employee who has used all eligible sick leave and 30 days of annual leave to use any remaining annual leave for:
 - a. FMLA or other disability related qualifying reasons to include serious health conditions of the employee or the employee's immediate family, or
 - b. an emergency or extreme hardship condition that is 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.

An employee in an FTE position may request review by the director of the Division of State Human Resources of the denial of the use of annual leave as provided in this section.

E. Disposition of Annual Leave:

1. Transfer of Earned Leave
 - a. Transfer between State Agencies
 - 1) An employee who transfers without a break in service from one state agency to another shall transfer earned annual leave.
 - 2) When a full-time employee transfers to a state agency that has a different workday, annual leave at the transferring entity shall be converted to equivalent hours of annual leave at the receiving entity.
 - 3) When an employee transfers from a position which earns both sick and annual leave to a teaching position of academic rank with less than a 12-month basis, the employee shall be paid for earned annual leave.
 - 4) When the employee with a maximum carryover in excess of 45 workdays

transfers from one state agency to another, the employee shall retain the higher maximum carryover at the receiving agency. If the employee subsequently reduces the amount of such leave carried over, the reduced amount, if in excess 45 workdays, shall become the employee's maximum carryover into future years. If the employee further reduces the amount of such leave carried over to 45 workdays or less, 45 days shall become the maximum amount of unused annual leave the employee may thereafter carryover. During the calendar year, the employee may earn annual leave in excess of the 45 workdays; however, the employee may only carryover 45 days to the next calendar year.

b. Organizational Reassignment

When an employee moves from one campus or organizational unit of the university to another without a break in service, accumulated annual leave will be transferred with the employee. Note: Employees moving from an FTE position to a Research Grant Position or Time Limited Position will be considered to have a break in service and will be paid for accumulated annual leave in accordance with the Separation of Employment section of this policy and in accordance with university policy HR 1.85, Research Grant and Time Limited Positions

c. Moving from One Position Type to Another

- 1) Full-time employees in FTE positions who are reassigned, promoted or demoted to another full-time FTE position in the university with the same number of hours in the workday are entitled to retain the equivalent number of hours of accrued annual leave.
- 2) When an employee in a full-time FTE position is reassigned, promoted or demoted to another full-time FTE position in the university with a different number of hours in the workday, the employee's annual leave balance shall be converted to the equivalent number of hours of annual leave in the new position.
- 3) Full-time employees in FTE positions who are reassigned to a part-time FTE position and are scheduled to work at least one-half the workweek in that part-time position are entitled to retain their total number of hours of accrued annual leave.
- 4) Full-time employees in FTE positions who are reassigned to part-time FTE positions, working less than 20 hours per week, entitled to retain their total number of hours of accrued annual leave; however, after the effective date of the reassignment, those employees may not accrue additional annual leave. Annual leave taken will be deducted from annual leave balance as of the effective date of the reassignment until the leave has been exhausted.

2. Change in Pay Basis

- a. Whenever possible, annual leave accumulated by university faculty on a 12-month basis will be taken before beginning a position with a pay basis of less than 12 months.
- b. When it is not possible to take accumulated annual leave before changing from a 12-month pay basis, the employee will be paid for accrued annual leave at the time of the basis change, in accordance with the section of this policy entitled "Separation of Employment."

3. Break in service

When an employee experiences a break in service as defined in policy HR 1.57 Separation from University Service, the employee will be paid a lump sum for their unused annual leave up to 45 days, unless a higher amount is authorized under the section of this policy titled Maximum Accrual and Carryforward. If the employee has not experienced a break-in-service, the university shall not pay out any unused annual leave.

4. Separation from Employment

- a. Upon separation from employment with the university employees in FTE positions will be paid a lump sum for their unused annual leave up to 45 days, unless a higher amount is authorized under the section of this policy titled Maximum Accrual and Carryforward. In the event the separation is the result of a Reduction-in-Force, refer to guidelines under university policy HR 1.45 Reduction-in-Force.
- b. Leave balances are calculated as of the last day of work or approved leave with pay. No additional leave may be earned for the period of time represented by the lump sum payment and service credits are not given for that period.

5. Death of Employee While in Active Service

Upon death of an employee while in active service, a lump sum payment will be paid to the deceased employee's estate for accumulated annual leave up to 45 days, unless a higher amount is authorized as applicable to the exceptions outlined in the section of this policy titled Maximum Accrual and Carryforward.

F. Leave Calculation and Adjudication

1. Use of annual leave may be calculated in actual time.
2. To calculate the annual leave taken in a day, the total hours worked in a day should be subtracted from the total number of hours in the employee's regular workday (normally 7.5 hours or 8 hours). The remainder is the amount of leave that should be charged to annual leave.

3. Annual leave is paid out based on the employee’s leave balance at the time of separation, but for no greater than the maximum allowable, and should be calculated based on the employee's final rate of pay at the time of separation. The following non-base pay salary adjustments are included in the calculation of an employee’s final rate of pay:
 - a. Faculty Overload
 - b. Administrative Salary Adjustment
 - c. Grant Salary Adjustment
 - d. Market or Geographical Differential Pay
 - e. Special Assignment Pay
 - f. Temporary Salary Adjustment

RELATED UNIVERSITY, STATE AND FEDERAL POLICIES

[HR 1.06 Sick Leave](#)

[HR 1.07 Family and Medical Leave](#)

[HR 1.09 Other Leave with Pay](#)

[HR 1.45 Reduction-in-Force](#)

[HR 1.57 Separation from University Service](#)

[HR 1.79 Salary Adjustments Outside of Base Pay](#)

[HR 1.85 Research Grant and Time Limited Positions](#)

HISTORY OF REVISIONS

| DATE OF REVISION | REASON FOR REVISION |
|-------------------------|---|
| July 26, 2021 | Updated to new format. Incorporates changes associated with new time and labor and absence management system. |