

# State Human Resources Policy #E24-104.03

## Annual Leave

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY 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.**

### **DEFINITIONS**

Agency – The South Carolina Military Department/Office of the Adjutant General

Employee - Any person in the service of an agency who receives compensation from the agency and where the agency has the right to control and direct the employee in how the work is performed.

Full-Time Equivalent - a numerical value expressing a percentage of time in hours and of funds related to a particular position authorized by the General Assembly.

Temporary Employee - A full-time or part-time employee who does not occupy an FTE position, whose employment is not to exceed one year, and who is not a covered employee.

Temporary Grant Employee - A full-time or part-time employee who does not occupy an FTE position and is hired to fill a position specified in and funded by a federal grant, public charity grant, private foundation grant, or research grant and who is not a covered employee.

Time-Limited Employee - A full-time or part-time employee who does not occupy an FTE position who is hired to fill a position with time-limited project funding approved or authorized by the appropriate State authority, and who is not a covered employee.

### **FORMS**

All forms noted for use in accordance with this Policy may be found at <https://scmd.sc.gov/state-operations/forms> under the “Leave and Attendance” Section.

### **POLICY**

1. The South Carolina Military Department (Agency) will honor an employee’s request for Annual Leave whenever possible. Department Heads/Program Managers or their designated representative will consider each employee’s Annual Leave request based on the length of the request, time of the request, agency staffing, and workload considerations.

2. Employees will submit all leave requests, and supervisors will approve all leave requests, through SCEIS.

3. An employee authorized for Annual Leave will be charged in quarter hour (1/4) increments when away from the workplace.

4. Prior Approval

a. Employees will have approved leave request prior to being away from the workplace. Employees who fail to have approved leave prior to being away from the workplace may be subject to the Agency’s Progressive Discipline Policy.

b. Should a situation arise whereby an employee is not able to complete a Leave Request prior to the absence, the employee will notify their supervisor as soon as possible (NLT COB of the first day of the absence) of their request for leave, the reason and the anticipated date of return to work. The employee will submit their leave request as soon as they have access to the internet or NLT COB of the day of their return. Employees who fail to notify their supervisor within a reasonable time or NLT COB of the first day of the absence may be subject to the Agency's Progressive Discipline Policy.

5. Leave Accrual. Employees earn Annual Leave based on the number of hours in the employee's average workday and the length of the employee's service.

a. Employees on a five-day (5) workweek schedule with service time of less than ten (10) years shall earn Annual Leave at a rate of 1¼ days of Annual Leave per month of service in each calendar year.

b. Employees on a five-day (5) workweek schedule with State service of more than ten (10) years earn a bonus of 1¼ days of Annual Leave for each year of service over ten (10) years up to year twenty-two (22).

c. For all other work schedules, Annual Leave earnings will be calculated in accordance with the South Carolina State Human Resources Regulations.

d. Employees will continue to accrue Annual Leave earnings while on authorized Annual Leave, Sick Leave, or other authorized leave with pay.

e. Employees will accrue Annual Leave earnings for any month in which they are in pay status for one-half (½) or more of the workdays of the month.

f. Employees will not earn Annual Leave for any month in which they are in LWOP status for more than one-half (1/2) of the working days in the month.

6. Maximum Annual Leave Days Used Per Year

a. An employee may use a maximum of thirty (30) working days of Annual Leave in any one (1) calendar year (01 January - 31 December).

b. For Family and Medical Leave Act or other disability related qualifying reasons, the Agency may allow an employee who has used all eligible Sick Leave and 30 days of Annual Leave to use any remaining Annual Leave for:

- Emergencies or serious health conditions of the employee
- Emergencies or serious health conditions of the employee's immediate family (Immediate family is defined in the SC Code of Regulation, Chapter 19, Article 1, Section 19-710.04 B. 6. as the employee's spouse and children and the following relations to the employee or the spouse of the employee: mother, father, brother, sister, grandparent, legal guardian, and grandchildren)

c. For emergency or extreme hardship conditions as referenced in South Carolina Code of Laws, Title 8, Chapter 11, Section 8-11-670, an employee who has used all available Sick Leave and 30 days of Annual Leave may, with the approval of the Agency's State Human Resources Officer (State HRO) or their designee, use any remaining Annual Leave available.

d. An employee may request review by the Director of the SC Department of Administration's State Human Resources Division of the denial of the use of Annual Leave as provided for in this Section.

7. Carry Over of Accrued Leave. Employees may carry over any unused Annual Leave from one calendar year to the next calendar year up to a maximum of 45 workdays.

## 8. Change of Status

### a. Full-Time Equivalent (FTE) Employees

(1) FTE employees who transfer without a break in service from one State Agency FTE position to a FTE position in the same or another State Agency can transfer their accumulated Annual Leave up to the maximum amount allowed.

(2) FTE employees who transfer with a break in service or from a State Agency FTE position to a non-FTE position (i.e., temporary grant, temporary or time limited) will be paid for the amount of unused annual leave up to 45 days. The employee will forfeit any accrued leave over the maximum limit of 45 days of Annual Leave.

### b. Temporary Grant Employees

(1) Temporary Grant Employees who transfer from one State Agency to a different State Agency will be paid for the amount of unused annual leave up to 45 days. The employee will forfeit any accrued leave over the maximum limit of 45 days of Annual Leave.

(2) Temporary Grant Employees who transfer from one Grant funded program to a different Grant funded program within the Agency will be paid for the amount of unused annual leave up to 45 days. The employee will forfeit any accrued leave over the maximum limit of 45 days of Annual Leave.

(3) Temporary Grant Employees who transfer from a Grant funded program to a different employment status (i.e., FTE or time limited) will be paid for the amount of unused annual leave up to 45 days. The employee will forfeit any accrued leave over the maximum limit of 45 days of Annual Leave.

### c. Time Limited Employees

(1) Time Limited Employees who transfer from one State Agency to a different State Agency will be paid for the amount of unused annual leave up to 45 days. The employee will forfeit any accrued leave over the maximum limit of 45 days of Annual Leave.

(2) Time Limited Employees who transfer within the Agency to a time limited position in a different department or program within the Agency will be paid for the amount of unused annual leave up to 45 days. The employee will forfeit any accrued leave over the maximum limit of 45 days of Annual Leave.

(3) Time Limited Employees who transfer to a different employment status (i.e., FTE or temporary grant) will be paid for the amount of unused annual leave up to 45 days. The employee will forfeit any accrued leave over the maximum limit of 45 days of Annual Leave.

**Notice: Under certain circumstances, the employee may be entitled to additional use of leave as prescribed by the Family and Medical Leave Act (FMLA) or the Americans with Disabilities Act (ADA). The State HRO will review all documentation submitted with the leave request to determine eligibility and possible qualification within the FMLA or ADA guidelines.**

## **PROCEDURE**

### 1. Submission and Approval

a. Employees will submit all requests for leave (both whole and partial days) through SCEIS. Employees who use the *Weekly Permanent/Grant Employment Leave and Attendance Record Form* (paper time worksheets) will complete the form for the approved leave period.

b. Supervisors will approve or disapprove leave requests through SCEIS. For those employees who use the *Weekly Permanent/Grant Employment Leave and Attendance Record Form* (paper time worksheets), the supervisor will validate the days noted as Leave prior to approving the Record, and submit those forms to the State HRO Leave Coordinator at [timeandleave@scmd.sc.gov](mailto:timeandleave@scmd.sc.gov).

c. Should a situation arise whereby an employee is not able to complete a leave request prior to the absence, the employee will notify their supervisor as soon as possible (NLT COB of the first day of the absence) of their request for leave, the reason and the anticipated date of return to work. The employee will submit their leave request as soon as they have access to the internet or NLT COB of the day of their return.

2. Review. Employees can review the record of their leave use and leave balances, and print leave statements from SCEIS. The leave statements in SCEIS reflect prior month totals.

3. Corrections

a. To request a correction to a leave record, employees will submit a Request for Leave Adjustment Form no later than two weeks after the end of the month through their Department Head/Program Manager or their designated representative to the State HRO Leave Coordinator at [timeandleave@scmd.sc.gov](mailto:timeandleave@scmd.sc.gov). The employee will include all supporting documentation with the request.

b. The State HRO or their designated representative will evaluate each request and supporting documentation on a case-by-case basis, and make a determination on approval/disapproval.

c. The State HRO or their designated representative will make any necessary corrections to the SCEIS records, as needed, and forward the determination through the chain to the affected employee.