A. Policy

The basic Leave/Holiday Policy for the Department is covered in the Medical University of South Carolina Human Resources Management Policy Manual. The following are Department supplements to the manual:

B. Procedure

1. Annual Leave Policy (CALEA 22.2.1.d)

Annual Leave vacation for the Department of Public Safety shall conform with the Medical University of South Carolina Personnel Policy # 18.0.

2. Annual Leave Scheduling

Annual Leave vacation shall be scheduled at the convenience of the Department of Public Safety. However, consideration shall be given to the employee’s preference whenever practical and will be handled on an individual basis.

   a. Annual leave shall not be more than 10 working days (80 hours) for the purpose of this section. Annual leave days shall be handled on an individual basis and may be granted with permission of the Supervisor or above.

   b. To insure equity in leave management, each Supervisor will maintain a leave plan which projects leave at least six (6) months in advance.

   c. Annual leave vacation requests shall be submitted not less than 5 working days in advance of dates requested, except with the permission of the Director or Patrol Commander of Public Safety.
d. No more than two (2) employees from each shift/component shall be granted annual leave for the same period of time, except in case of emergency or by permission of the Director or Patrol Commander.

e. Whenever more than two employees from the same shift/component apply for the same Annual Leave vacation dates, preference will be determined by:

1) Date of Leave Request
2) Who Took Leave Last
3) Urgency
4) Date of Hire

3. Accumulated Leave

Supervisors must monitor leave accumulation to insure that an excessive number of employees do not wait to take leave during the holiday period. Excessive leave should be scheduled throughout the year.

4. Insufficient Leave

Annual leave hours cannot be advanced. Any leave taken where there is insufficient annual leave will be logged as Leave Without Pay.

5. Emergency Annual Leave:

The Human Resources Manual does not address "Emergency Annual Leave." However, it is understood that occasionally employees will require annual leave due to an emergency situation at home. When that occurs, the following procedures will apply:

a. When the Dispatcher receives a call from a member of the Department requesting Emergency Annual Leave, the Dispatcher will notify the On-duty Supervisor, who will immediately inquire as to the reason for leave.

Common sense must be used in authorizing emergency leave. If the reason is legitimate or borderline, the leave will be granted. If it is clearly unjustified, the Supervisor will refer the situation to the Patrol Commander.

b. When the On-duty Supervisor grants emergency leave to a member, they will, as soon as practical, notify that member's Supervisor and the Patrol Commander - who shall in turn make other appropriate notifications.
c. If emergency leave is granted by the On-Duty Supervisor, a leave form will be accomplished and forwarded to the employees’ supervisor. Upon return from leave, the individual will contact their supervisor and sign the leave form.

6. Annual Leave While Attending Formal Schools

When a member is attending the Police Academy or any training paid for by the Medical University of South Carolina, and the classes are not being conducted or in cases where the Academy is closed for holidays, the member will contact the Department no later than 24 hours prior to the last day of class for annual leave or Department instructions.

7. Holiday Leave Request (CALEA 22.2.1.b)

Holiday leave shall be granted on a first-come-first-served basis. If two requests are received at the same time, the determining factor shall be the date of the leave request. If the dates are the same, the determining factor will be which employee took leave last. Every effort will be made to accommodate both employees with a slight change in the leave request. NOTE: The employee who took leave last must re-schedule his/her leave.

8. State-Approved Holidays

a. New Year's Day
b. Martin Luther King Day
c. President’s Day
d. Confederate Memorial Day
e. Memorial Day
f. Independence Day
g. Labor Day
h. Veteran's Day
I. Thanksgiving Day
j. The Day After Thanksgiving
k. Christmas Day
l. The day After Christmas

Due to the nature of our work, employees who are scheduled to work holidays will be granted holiday pay and will not be granted compensatory time for that holiday at a later time.

9. Sick Leave (CALEA 22.2.1.c)
a. All sick leave must be cleared through the On-Duty Supervisor. When an employee calls the Dispatcher stating they are sick, the Dispatcher will refer them to the appropriate Supervisor. The Supervisor will take the following action:

1) Personally talk with the employee and ascertain the nature of their illness, and if it falls under the Family Medical Leave Act. Prepare a PSD-11 for the appropriate Supervisor explaining the situation.

2) Initiate a Sick Leave Form and forward to the appropriate Supervisor for final completion.

3) Check the on-coming shift roster and determine if there will be a personnel shortage. If there is a shortage, contact someone else to come in (Patrol Only).

4) (Administrative personnel only) The On-Duty Supervisor will be responsible for contacting the Administrative Manager or the Accreditation Manager, whichever is available, at 0700 of the date of the request, informing them of the situation.

b. A member of the Public Safety Department shall request sick leave only when he/she has an illness or injury which would prevent the proper performance of duty. Sickness or disability shall not be feigned, nor shall a member deceive or attempt to deceive a supervising employee concerning his physical condition.

10. Holiday Sick Leave

Any member of the Department of Public Safety, who reports sick during the period of December 15 through January 6th, may be required to present a physician's statement upon returning to work. Failure to present the physician's statement, affirming that the member was sick during the aforementioned time period, shall result in the member being marked absent without pay for the time the member was not at work when scheduled.

11. Use of Sick Leave

Members who are unable to perform their duties because of illness, or who must obtain the professional services of a physician during working hours, are entitled to the use of accrued sick leave.
12. Accruing Sick Leave

Full-time employees accrue sick leave at the rate of 10 hours per month with a maximum accrual of 1560 hours (195 days); however, only 180 days (1440 hours) of sick leave may be carried over from one year to another.

13. Sick Leave While Attending Police Academy, Seminars, Etc.

When a member is attending the Police Academy or any training seminar where they are being paid by the Medical University of South Carolina during the time they are attending classes and they are injured and cannot attend classes, the member is to notify this Department and sick leave will be charged against him/her.

14. Sick Leave Abuse

Sick leave is intended to be a means of protecting the income of employees. Suspicion of its abuse, or when the absence exceeds three (3) consecutive work days, will entitle the Chief, Patrol Commander or Supervisor to require the member to provide medical evidence to support his/her reason for absence.

a. Any person who takes sick leave to the excess will be counseled in accordance with Human Resources Management Disciplinary Action Policy #45.0, and Public Safety Policy #13.0, Discipline.

NOTE: All personnel should read both policies #13.0 and #45.0.

b. Anyone who develops an obvious trend toward taking sick leave in conjunction with scheduled days off, more than three (3), will also be counseled as indicated above.

c. Sick Leave for legitimate, documented medical problems will be dealt with on a case-by-case basis, according to Human Resources Policy.

d. Patrol Commander, Component Commanders and Supervisors will closely monitor compliance with Sick Leave Policy and will take corrective actions as needed.

15. Sick Leave Pay Status

a. Members may accrue and use sick leave from their date of employment, but shall not receive credit for any month in which they are not in a pay status for 2 or more of the working days of the month.
b. A member shall be credited with sick leave earnings while on annual leave, sick leave or other authorized leave with pay.

16. Sick Leave for Member and Member’s Family

Sick leave will be granted for illness of the employee, his/her spouse or children, parents of employee or spouse. Leave taken for the spouse and children must not exceed ten working days (10) days.

17. Charged Sick Leave

A member’s sick leave accrual shall be charged for the actual time the member must be away from the job; however, sick leave shall not be charged when a holiday is being observed by MUSC.

18. Exhausted Sick Leave

Absence due to illness not covered by accrued sick leave may be covered by accrued annual leave, leave without pay, or under the State Employee Leave Transfer Program (see Human Resources Management section for details).

19. Lengthy Sick Leave Requirement

Should an illness occur, prompt notification must be made to the Chief, Patrol Commander, Administrative Manager, or Shift Supervisor in order to provide coverage for the absent member. If the illness continues beyond one day, the Chief or Patrol Commander must be notified as to the expected length of absence. If the notification is not made in accordance with this policy, the absence may be on a "Without Pay" status.

20. Returning From Sick Leave

a. When a member returns to work after taking three (3) calendar days sick leave, but less than six (6) days, he/she may be required to provide a physician's statement to the Chief or Patrol Commander, clearing the individual to perform all required job functions.

b. Members returning from a leave of absence, due to a personal illness, exceeding six (6) calendar days must provide a signed statement from his/her private physician stating that the employee is cleared to return to work. The individual will be provided with a physical requirements form and must be cleared to perform all required job functions.
21. Leave for National Guard/Active Reserve

a. Employees who are members of the South Carolina National Guard or an active reserve unit of a military branch, will be given up to fifteen (15) days leave per year to meet the federal minimum annual training requirements - without being charged against earned leave or loss of pay. However, while a fifteen day maximum is allowed, it would not entitle an employee to take the full fifteen work days leave if it is to include training which is supplemental to the minimum requirements of the federal law. The first fifteen days Military Leave (taken consecutively or intermittently) during a calendar year is to be charged as that which is required, and the employee will be compensated for only the number of days scheduled to work at the Medical University during this period. Thirty (30) additional days will be given, without charge against earned leave or loss of pay, when called to active duty for state or national emergencies.

b. Employees scheduled for Military Leave as described in Paragraph (a) above will present a copy of their official orders to their Supervisor for approval. The Supervisor will forward one copy of the orders to the Benefits & Records Section, or the Department of Personnel Services for inclusion in the employee's records.

c. When Military Leave is taken as described in item (a) above, proper documentation will be made on the Department Time Summary and on the Request for Leave Form, that the employee is being carried on the payroll while on Military Leave.

22. Military Personnel with Activations exceeding 90 days (CALEA 22.2.8)

a. The agency point of contact for the employee will be the Patrol Commander. (CALEA 22.2.8.a)

b. The Human Resources point of contact for employee will be a University Benefits Counselor. (CALEA 22.2.8.b)

c. When the Patrol Command conducts the departure interview, he/she will refer the employee to Human Resources for a benefits briefing. (CALEA 22.2.8.c)

d. The Operations Support Commander will be responsible for collecting and storing the employees duty belt with associated department gear (ie. Weapon, ammunition, radio, OC Spray, Baton, etc. (CALEA 22.2.8.d)
e. Upon the employee’s return from duty, he/she will meet with the Patrol Commander. The Patrol Commander will refer the employee to Human Resources to meet with a University Benefits Counselor. The employee will then meet with the Operations Support Commander to retrieve their stored equipment. (CALEA 22.2.8.e)

f. The Training Officer will meet with the employee to determine if any required training/qualification needs exist. (CALEA 22.2.8.f)

g. Deployed employees will be encouraged to maintain e-mail contact with the Patrol Commander during their deployment. (CALEA 22.2.8.g)

23. Administrative Leave (CALEA 22.2.1.a)

Administrative leave is with pay and is not chargeable to leave accumulation. The reasons for which administrative leave may be authorized are as follows:

a. Jury Duty, as directed by a State, County or Federal Court

b. Witness Duty, when subpoenaed

c. Should Jury or Witness Duty not require a full day, the member is expected to return to work.

d. Voting - An employee who lives at such distance from the assigned work location as to preclude voting outside of working hours may be authorized, by the Director, a maximum of two (2) hours administrative leave. To work at the polls during elections, an employee must use authorized annual leave or leave without pay.

e. Employees injured due to being assaulted by a patient, client, visitor, or another employee, while on duty. Permanent employees who are temporarily disabled as a result of an assault by a patient, client, visitor, or another employee, are entitled to the use of administrative leave during the period of disability.

f. Donating Blood – Employees are permitted to participate in Medical University sponsored campus blood drives during their work hours without using sick or annual leave. An employee desiring to donate blood, at a time other than an MUSC sponsored blood drive, must notify his/her supervisor in advance of the scheduled donation. The employee must also inform the supervisor of the amount of time he/she anticipates being away from work. A supervisor is expected to work with an employee to accommodate the request. An employee’s request may be denied if
his/her absence will create an extraordinary burden on the department. In considering an employee’s request, the supervisor should take into consideration such factors as the necessity and type of blood donation. The supervisor, as a condition of approving the request, may require the employee to provide documentation of the donation upon returning to work.

g. Death in the immediate family - Administrative leave up to three (3) consecutive work days shall be granted upon request, for the death of any employee's immediate family. Immediate family is defined as the spouse, children, parents, brothers, sisters, grandparents, great grandparents or great grandchildren of either the member or their spouse.

h. Members shall request Administrative Leave through their immediate supervisors, using the MUSC Request for Leave form. The Director or Patrol Commander is authorized to approve Administrative Leave in conformance with this policy.

i. Whenever possible, Administrative Leave should be requested in advance. If a member is unable to request Administrative Leave in advance, he/she should request it as soon as the occasion permits.

j. Administrative Leave shall be reported on the Request for Leave Form and/or time summaries as appropriate.

24. Leave of Absence (Without Pay)

Classified employees, who have served satisfactorily for a period of one year or more, will be entitled to obtain a leave of absence without pay in accordance with the following provisions:

a. Department heads may grant up to 30 days leave for personal reasons. Extensions are granted with the consent of the Director of Human Resources Management.

b. A leave related to sickness is granted by Carolina Work MED. and is outlined in Human Resources Management Policy # 19.0.

c. An employee, who finds the total period of leave or absence unnecessary, must notify the Supervisor five (5) days in advance of the anticipated return, lest temporary staffing arrangements preclude a return to work at an earlier date.

25. Family and Medical Leave Act: (CALEA 22.2.1.e)
   
a. In 1993, the Family and Medical Leave Act was passed. This act provides employees with 12 weeks of unpaid, job-protected leave. To be eligible employees must have been employed for at leave one (1) year and for 1,250 hours during the previous 12 months.

b. Unpaid leave must be granted for any one of the following reasons:
   1) to care for the employee's child after birth, or placement for adoption or foster care;
   2) to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
   3) for a serious health condition that makes the employee unable to perform the employee's job.

c. The job benefits and protection offered by this act includes the following:
   1) For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."
   2) Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms.
   3) The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

d. For further information, contact the Department of Human Resources and the Public Safety Department Administrative Manager.