

# COLLEGE of CHARLESTON

## OFFICIAL POLICY

9.3.9

### Leave Transfer Pool Program

10/14/2020

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN EMPLOYEES AND THE COLLEGE OF CHARLESTON. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHT OR ENTITLEMENTS. THE COLLEGE OF CHARLESTON RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY IN WHOLE OR IN PART, AT ANY TIME. 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.**

### Policy Statement

#### 1.0 Introduction

The College of Charleston (“the College”) maintains an annual leave pool and a sick leave pool (“Leave Transfer Program”). Employees may donate unused annual or sick leave to the Leave Transfer Program annually. Employees who experience a personal emergency and meet the eligibility criteria may request leave from the appropriate pool. This policy establishes eligibility criteria for recipients of transferred leave and sets forth requirements for leave donations and leave transfer requests.

#### 2.0 Applicability

The Leave Transfer Program applies to faculty and staff who occupy FTE positions and who are eligible to receive and/or donate leave to the Leave Transfer Program. Temporary, time-limited project and temporary grant employees are not eligible to participate in the Leave Transfer Program.

#### 3.0 Leave Transfer Pool Donations

- a. Eligible employees may donate a specified amount of earned annual leave and/or sick leave from their leave balance to the appropriate leave pool by the end of each calendar year.
- b. Employees who donate sick leave must maintain a minimum balance of 15 days of sick leave. Employees with 15 days or less of sick leave may not donate sick leave.

- c. In any calendar year, an employee may donate no more than one-half of the annual or sick leave earned within the calendar year.
- d. Leave donations must be submitted to the Office of Human Resources using the *Leave Transfer Pool Donation Request* form.
- e. Once leave has been donated to the leave pool, it may not be restored or returned to the leave donor.
- f. A leave donor may not designate the recipient.

#### **4.0 Leave Transfer Pool Recipient Eligibility**

- a. Employees experiencing a personal emergency requiring time away from work for which they have no paid leave may request to receive a transfer of a specified amount of annual or sick leave, as appropriate to their situation. Employees must be eligible to accrue annual and/or sick leave to request a leave transfer from the leave pool.
- b. For purposes of this policy, a “personal emergency” is defined as a medical or family emergency or other hardship situation 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 because of the lack of paid leave.
- c. A personal emergency is 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.
- d. For the purpose of this policy, a “prolonged period of time” as used in the definition of personal emergency is generally interpreted to be a minimum of 30 working days. An employee must have been in leave without pay 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 to be considered for a leave transfer even though the total period of leave without pay may be for less than 30 working days.
- e. Employees must exhaust all earned sick and/or annual leave (as appropriate according to the College's Sick and Annual Leave policies) prior to using approved transferred leave.
- f. Leave taken pursuant to this policy may qualify as FMLA leave and, if so, will run concurrently.

- g. Employees who become eligible for other paid benefits will generally be considered ineligible for a leave transfer. Examples of other paid benefits include but are not limited to workers' compensation, long-term disability, and disability retirement benefits.
- h. The employee's leave usage record, performance or disciplinary record, length of service or other relevant factors may be considered when making decisions regarding eligibility for leave pool transfers.
- i. Whether an employee is eligible for retroactive application of transferred leave, including for what length of time, will be determined on a case by case basis in light of the justification presented.

## **5.0 Leave Transfer Requests**

- a. Eligible employees may request a leave transfer by submitting a *Request for Leave Pool Transfer* form to their supervisor and department head for recommendation for approval. The request must include an explanation of the personal emergency and a brief leave history explaining the reason there is insufficient leave to cover the time needed. The personal emergency may be subject to verification. Regardless of the recommendation from the department, the form must be forwarded to the Office of Human Resources for review and consideration for final approval.
- b. Generally, annual leave approval is based on the need for an employee to care for an immediate family member who has a personal emergency which requires the employee's presence. A doctor's statement should accompany the leave transfer request indicating the need for the employee to care for the immediate family member.
- c. There is no limit to the number of separate requests that an employee may submit; however, each separate request must be limited to no more than 30 working days.
- d. The department head of the employee requesting a leave transfer is responsible for determining whether there are sufficient funds to pay for the leave transfer. Insufficient funds may justify denial of a leave transfer request.
- e. There must be sufficient annual or sick leave available in the leave pool in order for the request to be approved.
- f. Once a determination is made by the Office of Human Resources regarding the leave transfer request, the Office of Human Resources will notify the recipient and the department and, if approved, will transfer the approved amount of sick and/or annual leave to the leave recipient's balance.

- g. The decision by the Office of Human Resources may be appealed in writing to the President of the College within seven (7) days of receipt of the decision from the Office of Human Resources. Decisions by the President to approve or deny leave pool transfer requests are final. There are no administrative or judicial appeals of these decisions.
- h. When a leave recipient returns to work, the personal emergency ends, or employment terminates, the supervisor and department head must ensure that the Office of Human Resources is notified immediately. Any transferred leave remaining in the balance of the leave recipient must be restored to the appropriate leave pool. When employment terminates, transferred leave may not be included in a lump sum payment for accrued leave or included in the leave recipient's total service for retirement computation purposes.

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### **Policy Manager and Responsible Department or Office**

The Vice President of Human Resources and the Office of Human Resources are responsible for the administration and implementation of this Policy.

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### **Purpose/Reason for the Policy**

The purpose of this policy is to provide employees with the requirements for donating or requesting leave from the College's Leave Transfer Program along with associated eligibility criteria in accordance with South Carolina state law and regulations.

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### **Departments/Offices Affected by the Policy**

All departments and offices of the College of Charleston are affected by this policy.

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### Procedures Related to the Policy

The Office of Human Resources may adopt procedures related to this Policy. Should procedures be adopted, those procedures shall be distributed and/or published by the Office of Human Resources.

### Related Policies, Documents or Forms

Annual Leave and Sick Leave Benefit Policies  
*Leave Transfer Pool Donation Request Form*  
*Request for Leave Pool Transfer Form*

**Issue Date: 3/30/2016**

**Next Review Date: 10/30/2025**

**Date of Policy Review: 10/14/2020**

### POLICY APPROVAL

(For use by the Office of the Board of Trustees or the Office of the President)

Policy Number: 9.3.9

President or  
Chairman, Board of Trustees



Date: 10/14/2020