

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 8-3-103.1

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TITLE: COURT LEAVE

POLICY
REFERENCE NUMBER: 8-3-103

DIVISION OF
RESPONSIBILITY: Human Resource Services

DATE OF LAST REVISION: June 9, 2017

DISCLAIMER

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SC STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION/THE SC TECHNICAL COLLEGE SYSTEM. THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION/THE SC TECHNICAL COLLEGE SYSTEM 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.

1. An employee in a full-time equivalent (FTE) position or eligible temporary grant position who is summoned as a member of a jury panel shall be granted court leave with pay and any jury fees and travel payment shall be retained by the employee. The employee must be on other authorized leave for any time the employee is excused from jury duty and does not return to work. Employees who are summoned to jury duty will be expected to work on any given day only the number of hours that, when added to the hours required to be at court, equal the normal workday for the employee.
2. An employee in an FTE position or eligible temporary grant position who is subpoenaed as a witness and who will not receive any personal gain from the outcome of the litigation shall be entitled to court leave with pay for those hours required for the subpoena and may retain any witness fee and travel expenses.

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When an employee is subpoenaed to represent an agency as a witness or defendant, his appearance is considered a part of the job assignment. The employee shall be reimbursed for any meals, lodging, and travel expenses that may be incurred according to state guidelines as provided in the annual Appropriations Act and the SC Department of Administration's Division of State Human Resources Regulations. When an employee attends in an official capacity a mediation or mediation-arbitration conference his attendance is considered a part of the job assignment. When an employee appears as a witness or in any other official capacity in a hearing before the State Employee Grievance Committee, his appearance is considered a part of the job assignment.

3. In no case shall court leave with pay be granted for court attendance when an employee in an FTE position or eligible temporary grant position is engaged in personal litigation however, an employee may be granted annual leave, leave without pay (when annual leave is not available), or other paid leave as applicable. In such cases the approval of the System Office/college is required. Exception: An employee, who is victim of or witness to a crime and must attend court in relation to the case or in order to obtain an Order of Protection or restraining order, shall receive court leave with pay.

4. Leave Records

The System Office/college shall maintain all leave records for each employee eligible for such leave. Such records shall be reviewed by or reported to the employee no less than once per calendar year and be supported by individual leave requests. It is acceptable for employee leave requests to be created, approved and maintained via a secure (password protected) electronic system. If such a system is used, approval through the system will be considered the required signature of the employee and supervisor. Employees shall be able to view and print the leave records.

Failure to report leave taken is considered a falsification of work/time records and could be construed as being paid for hours not worked in violation of S.C. Code Ann. § 8-11-30 and may be subject to disciplinary action up to and including termination.