

**STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION**

**PROCEDURE**

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**PROCEDURE TITLE:** WORKERS' COMPENSATION LEAVE

**POLICY:**  
**REFERENCE NUMBER:** 8-3-103

**DIVISION OF**  
**RESPONSIBILITY:** Human Resource Services

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**DATE OF LAST REVISION:** June 09, 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.**

Leave taken under this section may qualify as Family Medical Leave Act (FMLA) leave and, if so, will run concurrently provided the reason for the absence is due to a qualifying serious illness or injury and the System Office/college properly notifies the employee in writing that the leave will be counted as FMLA.

1. In the event of an illness or accidental injury arising out of and in the course of employment with the State, which is covered under Workers' Compensation, an employee who is not eligible for or who has exhausted their paid administrative leave, shall make an election to use either earned leave time (sick, annual/faculty non-work days or both) or Workers' Compensation benefits awarded in accordance with Title 42 of the South Carolina Code of Laws.

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2. The employee shall make an election under one of the following options:
  - a. To use sick leave, annual leave/faculty non-work days, or both. When earned leave is exhausted before the employee can return to work, the employee shall be entitled to Workers' Compensation benefits at the time leave is exhausted.
  - b. To use Workers' Compensation benefits awarded in accordance with Title 42 of the South Carolina Code of Laws, as amended.
  - c. To use sick leave, annual leave, or both on a pro-rated basis in conjunction with Workers' Compensation benefits according to the formula approved by the Department of Administration.
3. Before the election is made, the effect of each available option on the employee's future leave earnings must be explained to the employee by the employer. The election must be in writing and signed by the employee and the person who explains the options. The election of the employee is irrevocable as to each individual incident.
4. Regardless of which option an employee elects, he would continue to be eligible for payment of medical costs provided by the State Accident Fund.
5. 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.