

**STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION**

**PROCEDURE**

**PROCEDURE NUMBER:** 8-3-103.7

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**PROCEDURE TITLE:** EXTENDED ILLNESS 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 OR THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

Leave taken under this section may qualify for Family Medical Leave Act (FMLA) leave and, if so, will run concurrently.

Under the Americans with Disabilities Act, (ADA) certain extended illnesses may be protected as disabilities and may require reasonable accommodation. In certain cases, the use of leave may be considered a reasonable accommodation. Determinations regarding reasonable accommodations should be made on a case-by-case basis as dictated by the circumstances.

**1. Certification**

The System Office/college shall require, prior to approval of leave as a reasonable accommodation, certification by an authorized health care provider/practitioner to a reasonable degree of medical certainty to include at a minimum:

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- a. the date on which the serious health condition commenced;
- b. the probable duration of the condition and a probable return date; and
- c. appropriate medical facts within the knowledge of the authorized health care provider/practitioner regarding the condition and any work limitations.

Dates set forth in the authorized health care provider's/practitioner's certificate may be amended. The System Office/college may require additional documentation from the authorized health care provider/practitioner issuing the certificate or may secure additional medical opinions from other authorized health care providers/practitioners.

If an employee's authorized health care provider/practitioner or the employee identifies a disability as long-term, the System Office/college may suggest to the employee to contact the Public Employee Benefit Authority (PEBA) as soon as possible to evaluate eligibility for any applicable benefits, such as insurance or retirement. The decision to file for any applicable benefits would be the employee's responsibility and at the employee's discretion.

The employee shall use all sick leave before going on leave without pay unless the System/College President, at his/her discretion, grants an exception at the employee's request. The employee shall have the option of using or retaining accrued annual leave prior to going on leave without pay.

## **2. 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.