

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

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TITLE: BREAK IN SERVICE

POLICY
REFERENCE NUMBER: 8-3-104

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.

A break in service occurs when an employee occupying a full-time equivalent (FTE) position experiences an interruption of continuous State service.

An employee experiences a break in service when the employee:

1. Separates from State service and is paid for unused annual leave.

Exceptions:

- a. When an employee moves from a position in which the employee earns both annual and sick leave to a position in which the employee earns faculty non-work days or only earns sick leave. All earned sick leave shall be transferred in accordance with the Division of State Human Resources (DSHR) Regulations 19-710.05 A.

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- b. When a faculty employee moves from a position in which the employee earns faculty non-work days to a position in which the employee earns both annual and sick leave, a lump sum payment will be made for banked and unused faculty non-work days in accordance with Procedure 8-3-101.1 (Faculty Non-Work Days) but will not constitute a break in service.
2. Moves from one state agency/college to another and is not employed by the receiving agency within fifteen (15) calendar days following the last day worked (or approved day of leave) at the transferring agency.

Exception: Under extenuating circumstances, the System/College President may approve an extension from fifteen (15) calendar days up to but not in excess of six (6) months for an employee in an FTE position to be employed in another FTE position within State government without having a break in service. The approval must be made prior to the employee receiving a lump sum payment for unused annual leave and within fifteen (15) days of the last day the employee is in pay status.
3. Remains on leave for a period of more than one (1) calendar year.

Exceptions:
 - a. The employee is on a military tour of duty with reemployment rights protected under federal or State law.
 - b. The employee is participating in the Government Employee Interchange Program as provided in the DSHR Regulations 19-714.
 - c. The employee is academic personnel at an institution of higher learning on approved sabbatical leave without pay for professional development.
4. Separates from State service as a result of a reduction in force and is not recalled to the original position or reinstated with State government within twelve (12) months of the effective date of the separation;
5. Involuntarily separates from State service and the agency/college's decision is upheld by the State Employee Grievance Committee or by the courts.

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6. Moves from an FTE position to a temporary, temporary grant, or time-limited position.

Exception: When an employee in an FTE position moves to a temporary, temporary grant, or time-limited position within fifteen (15) calendar days following the last day worked (or approved day of leave) during the employee's TERI program period the employee does not experience a break in service.