

**The Citadel**  
**Policies & Procedures Manual – Human Resources Department**

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**LEAVE TRANSFER PROGRAM**

**I. Policy**

- A. This document sets forth The Citadel Leave Transfer Policy for all eligible faculty and staff members pursuant to the South Carolina Leave Transfer Act and regulations of the South Carolina Office of Human Resources. Temporary employees, student employees, and any other employees not in a covered position are not eligible. Leave taken pursuant to this policy may qualify as FMLA leave and, if so, will run concurrently.
- B. Eligible faculty and staff members may donate leave to, or apply for a leave transfer from, The Citadel’s Leave Transfer Pool. The Leave Transfer policy enables eligible faculty and staff who have exhausted all paid leave to request leave donated to the program. The request must be based on a personal emergency requiring time away from work which would result in a substantial loss of income because of the lack of paid leave.

**Definitions**

Leave Donor	An employee of The Citadel whose voluntary written request for transfer of annual or sick leave to the leave pool account of The Citadel is granted.
Leave Recipient	An employee of The Citadel who has a personal emergency and is eligible and approved to receive annual or sick leave from the leave pool account of The Citadel.
Personal Emergency	A catastrophic and debilitating medical situation, severely complicated disability, severe accident case, family medical emergency or other hardship situation that is likely to require an employee's absence from duty for a prolonged period of time and results in a substantial loss of income to the employee because of the unavailability of paid leave.

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**C. Leave Donations**

Faculty or staff members earning sick and/or annual leave may donate a specified amount of sick and/or annual leave to be transferred from their leave balance to The Citadel's Leave Pool. Leave donations must be made prior to 15 January of the following calendar year. Once leave of an employee has been transferred to a pool account, it may not be restored or returned to the leave donor. A donor of leave may not designate the recipient.

Annual Leave - Faculty or staff may donate no more than one-half of the annual leave he/she earns within that calendar year to The Citadel's Annual Leave Pool.

Sick Leave – Faculty or staff with more than fifteen (15) days in his or her sick leave account may donate no more than one-half of the sick leave that he or she earns within that calendar year to The Citadel's Sick Leave Pool. After the transfer the employee must retain a minimum of fifteen (15) days in his or her sick leave account. An employee with less than fifteen (15) days in his or her sick leave account may not transfer any sick leave to the Sick Leave Pool.

**D. Leave Transfer**

Eligible faculty and staff members experiencing a personal emergency requiring time away from work for which they have no paid leave may request that a specified amount of annual or sick leave, as appropriate to their situation, be transferred from the leave pool.

**Eligibility and Criteria**

1. Only covered faculty and staff members employed with The Citadel for a period of six (6) months or more and accrue annual and/or sick leave are eligible to request a leave transfer from the leave pool.
2. For purpose of this policy, a personal emergency is defined as a medical or family emergency or other hardship situation that is likely to require a faculty or staff member's absence from duty for a prolonged period of time and results in a substantial loss of income because of the lack of paid leave.

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**D. Leave Transfer - continued**

3. A personal emergency is limited to catastrophic and debilitating medical situations, severely complicated disabilities, and severe accident cases which would complicate disabilities, and severe accident cases which would require a prolonged period of recuperation. Routine sick leave or leave resulting from elective surgery does not qualify for leave transfers from the leave pool.
4. 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 thirty (30) working days. A faculty or staff member must have been in a leave without pay status for a minimum of thirty (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 thirty (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, may be considered for leave transfer even though the total period of leave without pay may be for less than thirty (30) working days.
5. A faculty or staff member must exhaust all earned sick and/or annual leave (as appropriate according to The Citadel Sick and Annual Leave Policies) prior to using approved transferred leave.
6. Leave taken pursuant to this policy may qualify as FMLA and, if so, will run concurrently.
7. Employees who become eligible for other paid benefits will generally be considered ineligible for leave transfer from the leave pool. Examples of other paid benefits include but are not limited to workers' compensation, long term disability, disability retirement benefits, military benefits, or any other source of income to the employee. Employees who have other household income that would not put the employee in a hardship situation will not be eligible for the leave transfer program.
8. There is no limit to the number of separate requests that a faculty or staff member may submit; however, each separate request must be limited to no more than thirty (30) working days.

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**D. Leave Transfer - continued**

9. When a faculty or staff member returns to work, and the personal emergency ends, or employment terminates, any transferred leave remaining in the leave recipient's balance must be restored to the leave pool. When employment terminates, payment for the accrued leave is included in the leave recipient's total service for retirement computation purposes.
10. Additional factors such as the individual's leave usage record shall be considered before recommending approval of a leave transfer to the Human Resources Director.
11. Sick leave requests must be accompanied by a certification by the health care provider to the effect that the conditions exist in accordance with the definition of personal emergency found in manual.
12. Whether transferred leave may be applied retroactively and for what length of time will be determined on a case by case basis in light of the justification presented.
13. The granting of annual leave for family emergencies will be limited to the immediate family. Immediate family is defined as spouse, children, parents, grandparents and grandchildren of either the employee or the spouse, if the employee is the primary caretaker.

**II. Procedure**

**A. Leave Donation**

1. During the month of December of each calendar year, the Human Resources Department will notify faculty and staff members who are eligible to donate annual or sick leave earnings.
2. When a faculty or staff member wishes to donate annual or sick leave to the leave pool, a Leave Donation Request Form must be completed specifying the amount and type of leave to be donated. Leave Donation Request forms may be obtained from the Human Resources Department.
3. The Leave Donation Request Form should be forwarded to the Human Resources Department prior to 15 January of the following calendar year for review and approval.

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**Leave Donation - continued**

4. When the donation has been approved, the leave donor's sick and/or annual leave balance will be decreased by the specified amount. Notification of this action will be provided to the employee donating leave. If a donation has been disapproved, the employee will also be notified.

**B. Request For Leave**

1. An employee with a personal emergency may request sick or annual leave from the appropriate pool account by completing a "Recipient Request for Leave Transfer Form" and attaching all necessary documentation and submitting it through their Department Head for recommendation to the Human Resources Director.
2. The Benefits Manager will review and complete a "Leave Transfer Request Worksheet" to evaluate the recipient's request and to determine if the requirements of the State Human Resources Regulations have been met and if the request is in full compliance with the policies and procedures of the Leave Transfer program. After the evaluation has been completed, recommendation will be made to the Human Resources Director for approval or disapproval.
3. The Human Resources Director will review the evaluation, recommendations and determine approval or disapproval of the request.
4. The following procedures will be followed after action:
  - a. **Approved Requests**  
The Benefits Manager will notify the employee, his or her Department Head and the Payroll Office of the leave transfer approval, the number of hours approved, and the type of leave (sick or annual) approved. The notification to the Payroll Office will include the number of hours to transfer upon initial notification. The number of hours to transfer will not be greater than the amount of Leave Without Pay already used for the current situation. Upon review of the status of the situation, the Human Resources Director will notify the Payroll Office to return all unused leave to the pool.

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**b. Disapproved Requests**

The Benefits Manager will notify the employee and his or her Department Head of the disapproval. The employee may request a review of the disapproval decision. The basis for the review will be to ensure that State Human Resources Regulations and the policies and procedures of this manual were followed in the disapproval decision. There is no provision for further appeal of a disapproval decision made.

5. Each request will be thoroughly investigated by the Human Resources Director to determine that the employee is eligible and all the criteria have been met within the State Human Resources Regulations and the policies and procedures of this manual.

**C. Leave Restoration**

1. When the personal emergency affecting a leave recipient terminates and the recipient returns to work, the Supervising Department Head should notify the Benefits Manager.
2. The Benefits Manager will review the status of the leave records and notify the Payroll Manager of any annual or sick leave remaining to the credit of the leave recipient and request the leave be deducted from the employee's leave records and restored to the appropriate pool account by completing the "Leave Restoration Form" and forwarding to the payroll department.

**No Administrative Or Judicial Appeal**

The selections of this policy are final, and there is no administrative or judicial appeal.

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**Use of Annual or Sick Leave**

When the selection of a leave recipient has been approved in accordance with State guidelines, The Citadel may transfer all or any portion of the annual or sick leave transfer pool to the annual or sick leave account of the leave recipient.

Upon approval of a request, an employee may use annual or sick leave transferred from the appropriate pool account in the same manner and for the same purposes as if the employee had accrued the leave in the manner provided by State Regulations.

Annual or sick leave that accrues to the account of the leave recipient (including that which accrues during the period of absence occasioned by the current personal emergency) must be used before using any leave from a leave transfer pool.

**When Emergency Terminates**

The personal emergency affecting a leave recipient terminates when the employee returns to work full-time, when the Department of Human Resources determines that the personal emergency no longer exists, or when the leave recipient's employment terminates.

The Department of Human Resources will monitor the status of the personal emergency affecting the leave recipient on a periodic basis (daily, weekly, etc.) determined by the nature of the personal emergency, the description and verification of the personal emergency by the Health Care Provider and other information pertinent to the situation. This Office will maintain Family Medical Leave Act and Leave Transfer records on each recipient, including periodic review of the circumstances of the personal emergency and will communicate with the employee's Department Head and the Payroll Office to ensure that the leave recipient does not use transferred annual or sick leave from a pool account after the personal emergency ceases to exist.

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**When Emergency Terminates - continued**

When the personal emergency affecting a leave recipient ends, any transferred annual or sick leave remaining to the credit of the leave recipient must be restored to the appropriate pool account by completing a “Leave Restoration Form.” The Department of Human Resources is responsible for completing this form.

Transferred annual or sick leave from a pool account remaining to the credit of a leave recipient when the leave recipient's employment terminates must be restored to the appropriate pool account. When employment terminates, transferred leave from a pool account cannot be transferred to another employee, included in a lump-sum payment for accrued leave, or included in the leave recipient's total service for retirement computation purposes.

**Annual Record (Calendar Year Basis)**

The Citadel, having any activity (donations and/or approved requests for leave transfer) in a calendar year, shall submit, along with a summary of the following recorded information, a statement containing any additional information the State Office of Human Resources may require that will assist in evaluating the desirability, feasibility, and cost of the leave transfer program. The Human Resources Department will be responsible for all record keeping for the following annual records on calendar year basis.

1. Sick Leave – Total hours and cost of:
  - a. Sick leave donated;
  - b. Sick leave used by recipient(s); and
  - c. Sick leave restored, if any.
  
2. Annual Leave – Total hours and cost of:
  - a. Annual leave donated;
  - b. Annual leave used by recipient(s); and
  - c. Annual leave restored, if any.