

**SOUTH CAROLINA DEPARTMENT OF ADMINISTRATION
FURLOUGH/LEAVE WITHOUT PAY POLICY AND PROCEDURE**

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS 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.

I. Furlough Policy

As long as authorized by the General Assembly, the agency director may institute a voluntary furlough program in a fiscal year in which the general funds appropriated for a State agency are less than the general funds appropriated for that agency in the preceding fiscal year, or whenever the General Assembly or the Executive Budget Office implements a midyear across-the-board budget reduction. Set forth below is the Department of Administration's Voluntary Employee Furlough Program when the above conditions have been met.

II. Eligibility

Employees in FTE positions, time-limited positions, and temporary grant positions are eligible to participate in the voluntary furlough program.

III. Procedures

- A. Voluntary furlough may be requested by an employee in lieu of paid leave in order for the employee to be away from work.
- B. Any employee desiring to go on a voluntary furlough shall submit the request to his/her supervisor. By completing the leave request the employee certifies that he/she has reviewed these guidelines and is aware of the requirements. The furlough can be taken only upon the approval of the employee's supervisor, appropriate official and Office of Administrative Services-Human Resources. To the degree possible, the Department will attempt to honor the furlough request. However, the consideration of workloads, work distribution, and similar factors may necessitate that the furlough not be taken or be taken at a different time. Under no circumstances will any Department of Administration official deviate from the Department of Administration's Affirmative Action policy in making any decisions concerning voluntary furlough. Denial of any voluntary furlough request will be made in consultation with the Office/Division Director or his designee.

- C. Furloughs may be requested in any amount from one (1) day to ten (10) consecutive work days. The total amount of furlough days under this program may not exceed ninety (90) calendar days per fiscal year.
- D. This program is completely voluntary. No employee can be forced or coerced into going on a furlough under this program. Any employee who submits a leave form requesting a voluntary furlough thereby acknowledges that he or she has done so without any coercion, undue influence, threat, or intimidation of any kind or type.
- E. While on furlough, the employee will be placed in leave without pay status, without a break in service and with the continuing accumulation of sick and annual leave.
- F. While on furlough, the employee is subject to all policies and procedures of the Department of Administration applicable to employees in leave without pay status. During a voluntary furlough, the employee shall be entitled to participate in the same State benefits as otherwise available to him/her except for receiving a salary.
- G. The Department's Voluntary Furlough Program is not intended to take the place of the extended disability provision of the State Human Resources Regulations.

IV. Payment of Benefits

As to those benefits, which require employer and employee contributions, the Department of Administration will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted. Due to the duration of the voluntary furlough program being limited to ten (10) consecutive work days or less at any one time, benefits coverage would not be interrupted. The Department of Administration will not be responsible for the employee portion of the health insurance premiums.

The employee is solely responsible at all times to make any payments for any benefit that requires employee payments. If there will be no paycheck from which to make deductions, the employee will be solely responsible for ensuring that payment is made for any benefit that requires employee payments. In no case will the Department of Administration assume any responsibility for these deductions. The employer contributions would continue in the same manner.

V. Leave Without Pay Policy

It is the policy of the Department of Administration that an employee should request the use of appropriate accumulated annual and/or sick leave prior to requesting Leave Without Pay

(LWOP). The Agency recognizes circumstances may become such that an employee may need to request LWOP for medical or personal reasons. Additionally, when it becomes necessary for the Agency to suspend employees for disciplinary reasons, such employees will be placed on LWOP status. The following are procedures for non-disciplinary LWOP.

A. Medical Reasons for LWOP

1. Absences for qualifying reasons of illness or injury to the employee under the Family and Medical Leave Act (FMLA) (see Family and Medical Leave Act Policy)
2. Other illnesses or injuries that may not qualify under FMLA (see Sick Leave Policy)
3. Illnesses or injuries covered by Workers' Compensation (see Workers' Compensation Policy)

For any period of certified disability due to illness, injury or maternity, exceeding the amount of accrued sick leave, the employee may request leave to include leave without pay which, along with any paid leave that has been taken, shall not exceed 180 calendar days. The Department of Administration shall require, prior to approval of an extended disability, certification by a health care practitioner to include the projected inclusive dates of disability. Dates set forth in the health practitioner's certificate may be amended. The Department may require additional documentation from the health care provider or may secure additional medical opinions from other health care practitioners.

The request shall not be denied for a bona fide illness or disability if the employee is in an FTE position.

The employee shall have the option of using or retaining accrued annual leave prior to leave without pay for a disability. The employee shall use all sick leave before going into leave without pay status unless the Office/Division Director at his/her discretion grants an exception at the employee's request.

Should the employee return within the approved 180-day period, the Department shall reinstate the employee to the same position or one of a comparable pay band for which the employee is qualified. If the employee is unable to return to work within the 180-day period, the Department must separate the employee.

In extenuating circumstances two extensions may be available:

1. The Executive Director may extend the 180-day period of leave to a total of 365 days provided the health care practitioner certifies the employee's return within this period of time.

2. The Executive Director may extend the disability leave beyond the 365 days without a break in service provided the health care practitioner certifies the employee's return to work within the time frame of the requested extension.

B. Personal LWOP

Leave without pay requests not covered by the proceeding provision or other State policy must be submitted by the employee in writing to the appropriate Office/Division Director management for approval in advance except in a case of medical or personal emergencies. These situations must be justified to the Office/Division Director or designee for approval. Office of Administrative Services-Human Resources must be notified of any leave without pay situation.

C. Other Consideration of LWOP

All LWOP must be requested and approved prior to being taken by an employee. Failure to do so would place the employee in an unauthorized leave status, which may subject the employee to disciplinary action.

Every attempt will be made to maintain consistency in the approval/disapproval of LWOP for personal reasons (other than FMLA qualifying reasons). Such leave is considered a privilege that may be given to employees based on the following considerations:

1. The nature of the employee's request
2. The length of time
3. The number of LWOP requests
4. The employee's work history
5. Departmental staffing and workload considerations