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## ***Chapter 4***

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### ***Employment & Benefits***

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#### **Human Resources**

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Responsibility for academic personnel on the USC Upstate campus is delegated to the Senior Vice Chancellor for Academic Affairs with, as appropriate, consultation with the System offices of the Provost and the Vice President for Human Resources. On the USC Upstate campus, The Office of Human Resources is responsible for maintaining employee records for all USC Upstate employees, including academic personnel, and for supplying benefit information to all employees. For information on employment records or benefits such as retirement or workers' compensation, faculty members work with the USC Upstate Office of Human Resources. Contact the USC Upstate or USC Columbia Office of Human Resources for more information.

#### ***Policy Changes***

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Changes in the rights, privileges, and benefits accorded faculty members may be made as conditions warrant. Changes providing additional rights, privileges, and benefits apply to all faculty members, regardless of when employed.

*Equal Opportunity Policy Statement*

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It is the policy of USC Upstate to recruit, hire, train, promote, tenure, and otherwise make educational and personnel decisions without regard to race, color, religion, sex, national origin, age, disability, sexual orientation, or veteran status (except where sex or age is a *bona fide* occupational qualification).

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Employment

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*Term of Employment*

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In the absence of special arrangements, employment of the members of the faculty is for a period of nine months. For the fall and spring semesters, faculty members must be available from the fourth calendar day before the first day of classes through commencement. The salary for one semester is one-half that of the nine month period.

*Summer Employment*

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Faculty members may teach during summer sessions for additional remuneration. Generally, full-time faculty members receive 7½% of the salary received during the previous academic year for each summer course.

Faculty members must advise the department chair or dean at the beginning of the fall term of their summer school intentions and at that time may be assigned to teach in a summer session, as conditions warrant. On the recommendation of the dean and the Senior Vice Chancellor for Academic Affairs, faculty members may be assigned special duties for this period.

*Salary*

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Faculty members dissatisfied with decisions affecting their salaries may appeal through their dean to the Senior Vice Chancellor for Academic Affairs. Only after following this procedure may faculty members refer the matter to the Faculty Grievance Committee.

*Outside or Dual Employment*

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Faculty members may be permitted to do professional work of an expert character outside the University and to receive pay for it when the work contributes to their professional development. Faculty members do not undertake outside professional work without the prior approval of their dean. The University reserves the right to declare a conflict of interest at any time.

No members of the teaching staff receive compensation for tutoring students in any course for which they are empowered to grant the student credit or over which they have any authority. This regulation does not prohibit tutoring for remuneration in subjects over which the tutor has no control.

State law regulates dual employment.

*Sexual Harassment*

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Sexual harassment is a form of gender discrimination and is not tolerated. Violation of this policy may result in dismissal from the university.

*Nepotism*

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The rules of conduct for public employees contained in the South Carolina Ethics Reform Act prohibit a public employee from causing the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position supervised or managed by the public employee. In addition, a public employee may not participate in an action relating to the discipline of the public employee's family member.

*Consensual Relations Policy*

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Instructional staff members must refrain from engaging in any romantic or sexual relations with students over whom they have academic or supervisory control. Violation of this policy may result in dismissal from the university.

*Political Activity*

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Faculty members may seek public office if the candidacy will not interfere with their normal duties or present a conflict of interest. Before a faculty member announces for public office, the Chancellor must approve each and every candidacy. If the Chancellor determines that the candidacy would interfere with the faculty member's normal duties, the Chancellor may require the faculty member to take leave without pay or resign before announcing for office.

No person may use University or other government personnel, equipment, materials, or facilities in an election campaign.

Full-time faculty members normally shall not engage in or manage statewide campaigns or seek political positions that pay compensation.

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## **Leave**

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### *Annual Leave*

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Faculty members employed on less than a twelve-month basis do not earn annual leave. Faculty members on twelve-month appointment with no stipulation of term and Permanent faculty accumulate annual leave at the rate of one and one-quarter days per month of continuous employment. After ten years of service, they earn additional annual leave for each year in excess of ten years of service, up to a maximum accrual of 30 days per calendar year. All time taken off from normal duties must be reported and is deducted from accrued leave.

Faculty members working on grants or contracts and earning annual leave may be required to use all accumulated annual leave prior to the termination of the grants or contracts.

Faculty members who change to other than a twelve-month appointment may be required to use all accumulated annual leave prior to the change.

No more than 30 days of annual leave may be used in any calendar year. Upon separation from employment, faculty members are paid for a maximum of 45 days of unused annual leave.

*Sick Leave*

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Faculty members who are scheduled to work at least half-time are eligible to earn sick leave that accrues at the rate of one and one-quarter working days per month of active employment. Part-time faculty earn sick leave on a *pro-rata* basis. No more than 195 days of sick leave may be accrued; however, no more than 180 days of sick leave may be carried over into a new calendar year.

Sick leave should be deducted in whole or partial working days. Faculty members must report sick leave taken on any normal work day, even though not scheduled to teach a class on that particular day

Sick leave may be used for periods of illness, injury, maternity, or medical appointment. If faculty members miss more than 10 working days for one of these reasons, they submit an application for disability leave to their chair or dean and to the Division of Human Resources. If a physician-certified period of absence exceeds the amount of accrued sick leave, the faculty member may use annual leave, if available, or apply for leave without pay. The request for leave may not be denied for physician-certified illness or disability of a faculty member not on term appointment. The amount of sick leave cannot exceed the time certified by a physician. The total period of leave normally does not exceed 180 working days of leave with pay or 180 calendar days of combined leave with and without pay. In extenuating circumstances and at the discretion of the President or the President's designee, the period of authorized leave may be extended up to a total of 365 calendar days of combined leave.

Faculty members may take up to 8 days of available sick leave in each calendar year to care for a member of their immediate family. Up to six weeks of available sick leave may be

used for the adoption of a child, provided the faculty member applying for the leave is the primary care-giver. Sick leave accrues for faculty members on leave with pay.

### *Leave Transfer Program*

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Faculty members who earn annual or sick leave may donate to or apply for leave from the University system leave transfer program. Sick-leave donors must maintain no less than a fifteen-day sick leave balance, and they may donate no more than half the amount of leave earned during the calendar year of the donation. Donated leave may not be restored or returned, nor may leave donors designate the recipient. Requests to use leave from the pool are based on a catastrophic personal emergency requiring a prolonged absence that would result in a substantial loss of income because of the unavailability of paid leave. Leave transfer requests are granted only if the chair or dean certifies that funds are available to pay for the leave; they also must be approved by the Office of Human Resources

### *Family Medical Leave*

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The University grants eligible faculty members up to 12 work weeks of unpaid leave during a calendar year for any of the following reasons:

- *The birth or adoption of a child or the foster care placement of a child (Note: Eligibility expires 12 months after the date of the birth or placement);*
- *To care for the faculty member's spouse, child, or parent with a serious health condition;*
- *A serious health condition that renders the faculty member unable to perform the essential functions of the faculty member's employment responsibilities.*

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To be eligible for Family Medical Leave, a faculty member must have been employed by the State of South Carolina for at least 12 months and have completed at least 1250 hours of service during the 12-month period preceding the faculty member's request for leave. In some cases, paid leave may be used for Family Medical Leave purposes.

### *Court Leave*

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Faculty members summoned to jury duty or subpoenaed as witnesses for litigation in which they are not parties are granted leave with pay.

### *Military Leave*

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Faculty members not on term appointment who are members of the United States armed forces reserves, including the Coast Guard Reserve and the National Guard, are entitled to leave with pay for up to 15 regularly scheduled working days in any calendar year for training or other duties ordered by the governor or any department or agency of the United States government having authority to issue such orders. Such duty or training should be arranged so as to interfere as little as possible with regular duties.

Faculty members who are commissioned, enlist, or are selected for military service are granted leave without pay. Faculty members are reinstated to active employment in a position comparable to that held at the time such leave was granted if they apply for re-employment within 90 days of release from service.

*Death in Family*

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Faculty members are allowed up to 3 consecutive days of leave with pay for a death in the immediate family.

*Leave without Pay*

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Leave without pay may be granted for active military service or for an extended period of disability because of illness, injury, or maternity.

The Chancellor may grant leave without pay on the recommendation of the Senior Vice Chancellor for Academic Affairs if the best interest of USC Upstate will be served. If a faculty member fails to return after the period for which leave has been granted, the appointment is terminated. The authorization of leave without pay is a matter of administrative discretion and may be considered for extended absence in the interest of USC Upstate, such as advanced academic training, research, or experiences leading to increased competence of the faculty member. Such leave may be granted for a maximum continuous period of one year, unless extended by the President.

Leave without pay for reasons other than those stated above may be granted by the chair or dean for up to 10 consecutive calendar days. Upon request by the chair or dean, the Senior Vice Chancellor for Academic Affairs may grant leave without pay in excess of 10 consecutive calendar days.

Failure to obtain approval prior to taking leave without pay may result in the absence being charged as unauthorized leave.

Annual leave and sick leave do not occur during periods of leave without pay, but accumulated totals are not forfeited. Before beginning leave, faculty members should consult the USC

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Upstate Human Resources Office for information on the continuation of retirement, insurance and other employee benefits during the period of leave.

Leave without pay does not affect tenure; however, a period of time during which a faculty member is on leave without pay is not counted toward the acquisition of tenure.

### *Sabbatical Leave*

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Sabbatical leaves are intended to allow full-time tenured faculty members relief from normal duties in order to pursue significant projects designed to improve their capabilities as scholars and teachers and hence to increase their future contribution to the mission of USC Upstate. Sabbatical leaves are designed to permit faculty members to achieve educational goals that could be reached only over an extended period of time if pursued under the demands of regular University duties. Consequently, recipients of sabbatical leave are to be separated from all University duties during the leave.

To be considered for sabbatical leave, a faculty member must be a tenured associate professor or professor with six or more years of full-time service and must be eligible to serve for a reasonable period following completion of leave, under no circumstances less than one year. Faculty members who do not choose to return for whatever reason are liable to USC Upstate for the full amount paid during the period of sabbatical leave. However, in the event of death or permanent disability due to illness or accident while on sabbatical leave, USC Upstate does not exercise its right of repayment.

Before beginning sabbatical leave, faculty members should contact Human Resources about the continuation of health and dental insurance, and other benefits.

Twelve-month faculty members do not accrue annual leave while on sabbatical leave.

A sabbatical leave provides one-half pay for a full academic year, or full pay for one-half of an academic year. Granting sabbatical leaves of absence is dependent upon budget limitations, workloads, and other considerations. Therefore, it is a matter of administrative discretion. See *Policies & Procedures* for more information on Sabbatical Policy and Guidelines.

#### *Benefits and Privileges*

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All benefits are subject to state regulations, University policies and procedures, the individual plan document, and the duly executed and recorded Notice of Election forms.

#### *Tuition Assistance*

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Eligible faculty and staff members may apply to their supervisor, chair, or dean to take, tuition-free, one three-hour course (or a four-hour laboratory course) per academic term.

#### *Insurance Programs*

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In conjunction with the state of South Carolina, the University has a comprehensive program of insurance and annuity plans for eligible members of the faculty and staff and their eligible dependents. These plans may include state health insurance, health maintenance organizations, dental insurance, life insurance, long-term disability insurance, auto and homeowners' insurance, and long-term care insurance. Information about these plans may be obtained from the Division of Human Resources.

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### *Deferred Compensation and Tax-Deferred Annuities*

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The University offers a variety of tax-deferred programs and makes payroll deductions for tax-sheltered annuities, but cannot contribute to their cost.

### *Workers' Compensation*

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Faculty members injured on the job or suffering an occupational illness or disease may be eligible for Workers' Compensation benefits. If a work-related accident or illness occurs, faculty members should promptly

- receive medical care;
- notify their immediate supervisor, chair, or dean; and
- submit a *First Report of Injury* form, which is available from the Office of Human Resources.

Failure to submit a form promptly can jeopardize a claim. When Faculty members miss work because of a work-related injury, they must state in writing on forms available from the Division of Human Resources whether they use available leave time or receive Workers' Compensation for the time lost from work.

### *Employee Assistance Program*

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The University offers an employee assistance program that provides confidential counseling and assistance to faculty who are experiencing problems that impact their lives.

## Retirement

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### *Distinguished Professor and Emeritus Titles*

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Upon recommendation of the dean and approval of the Board of Trustees, the title *Distinguished Professor* is awarded to tenured full professors who do not hold named or chaired professorships in their final year of service. Upon retirement, the title is changed to *Distinguished Professor Emeritus*. A professor who holds a named or chaired professorship at the time of retirement is awarded the title *emeritus* upon retirement. The title *emeritus* professor normally is conferred on any tenured assistant or associate professor at the time of retirement. Citations are presented to *emeritus* recipients and every effort is made to provide them with office space, parking privileges, and other professional amenities.

Retired faculty members are entitled to all available benefits under law and through the state retirement system or the Optional Retirement Program. The University may provide part-time employment for retired faculty members on an annual basis. It may approve part-time service upon the written request of a retired faculty member, the recommendation of the chair or dean, and the approval of the Senior Vice Chancellor for Academic Affairs and Chancellor.

### *Retirement Options*

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*The South Carolina Retirement System.* This section is subject to interpretation by the South Carolina Retirement System and to changes the General Assembly might enact.

The state guarantees a formula return based on average salary and years of credited service with the retirement sys-

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tem. Any retirement system member may retire with full-formula benefits at age 65 or with twenty-eight years of credited service. Members with fewer than twenty-eight credited years may retire with reduced benefits at age 55 with twenty-five credited years or at age 60 regardless of the number of credited years.

Members who leave state employment before retirement may withdraw the sum of their contributions plus interest. Members with five or more credited years may leave their contributions with the retirement system and qualify for deferred retirement income at age 60. Members with twenty-five or more credited years may purchase the additional service needed for them to qualify for full-formula benefits provided that they retire within 90 days of the purchase. Members who leave the University and who have twenty-five or more credited years may continue contributing to the Retirement System until they qualify for full-formula benefits.

Faculty members may purchase service credits for certain military, federal, or out-of-state service, or for non-member prior service with a South Carolina public agency.

Any faculty member who becomes permanently disabled after completing five years of creditable service may apply for disability retirement benefits.

At the death of a contributing member who has at least twelve months of credited service, the retirement system pays to the faculty member's beneficiary a death benefit equal to the faculty member's annual base salary. If the deceased contributing member has at least fifteen years of creditable service, the beneficiary has other survivor options.

*Optional Retirement Program.* Faculty members hired on or after July 1, 1987, may choose to enroll in the Optional Retirement Program.

ment Program. State law requires that they contribute at the same rate as faculty members contribute to the state retirement system. Members of the optional retirement program are immediately vested for both the employee and employer contributions. This program does not include the Group Life and Disability benefits provided by the state retirement system. Retirement, death, and disability benefits are based on the cash value of the member's account.