

Voluntary Shared Leave

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Policy

An employee may donate leave, as outlined below, to an employee who has been approved to receive voluntary shared leave because of a medical condition of the employee or of a member of the employee's immediate family that will require the employee's absence for a prolonged period of time. *[Please refer to the chart below for the definition of immediate family.]*

Covered Employees

Full-time or part-time (half-time or more) permanent, probationary, and time-limited employees are eligible for leave.

Temporary and part-time (less than half-time) are not eligible for leave.

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Definitions

Following are definitions of terms used in this policy:

Terms	Definition
Prolonged medical condition or prolonged period of time	20 consecutive workdays (see exception on next page)
Recipient	the employee or the employee's immediate family who receives leave
Donor	employee who donates leave
Immediate family	See chart below

Definition of Immediate Family

Spouse	Parent (Mother/Father)	Child (Daughter/Son)	Brother/Sister	Grand/Great	Dependents
Husband Wife	Biological Adoptive Step <i>In Loco Parentis</i> In-law	Biological Adoptive Foster Step <i>In Loco Parentis</i> In-law	Biological Adoptive Step Half In-law	Parent Child Step In-law	Living in the employee's household

Exception to 20-Day Period

If an employee has had previous random absences for the same condition that has caused excessive absences, or if the employee has had a previous, but different, prolonged medical condition within the last twelve months, the agency may make an exception to the 20-day period.

Agency Policies

All agencies shall develop policies and procedures to implement this program, subject to the availability of funds. This may include a specific time period during which leave may be donated. If an agency policy includes employees exempt from the State Human

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Resources Act who are in comparable leave earning and reporting positions, leave may be shared between subject and exempt employees.

Leave Bank Prohibited

Establishment of a leave “bank” for use by unnamed employees is expressly prohibited. Leave must be donated on a one-to-one personal basis.

Intimidation or Coercion Prohibited

An employee may not intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using leave under this program. Such action shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct.

Qualifying to Receive Leave

In order to receive voluntary shared leave, an employee (see definition of “Recipient”) must have complied with existing leave rules and:

- have a prolonged medical condition (or a member of the employee’s immediate family has a medical condition that requires the employee’s absence for a prolonged period of time),
- apply for or be nominated to become a recipient,
- produce medical evidence to support the need for leave beyond the available accumulated leave, and
- be approved by the parent agency to participate in the program.

An employee on workers’ compensation leave who is drawing temporary total disability compensation may be eligible to participate, but would be limited to use with the supplemental leave schedule issued by the Office of State Human Resources.

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An employee on maternity leave may be eligible to receive voluntary shared leave to cover the period of disability related to the pregnancy and/or birth as documented by a physician.

Non-qualifying Reasons

An employee who is receiving benefits from the Disability Income Plan of North Carolina (DIPNC) is not eligible to participate in the program. Shared leave may be used during the required waiting period and following the waiting period provided DIPNC benefits have not begun.

The policy will not ordinarily apply to short-term or sporadic conditions or illnesses. This would include such things as sporadic, short-term recurrences of chronic allergies or conditions; short-term absences due to contagious diseases; or short-term, recurring medical or therapeutic treatments. These examples are illustrative, not all inclusive. Each case must be examined and decided based on its conformity to policy intent and must be handled consistently and equitably.

Voluntary shared leave cannot be used for parental care of a newborn child absent a documented prolonged health condition.

Application Procedure

A prospective recipient shall apply or be nominated by a fellow employee to participate in the program. Application shall follow the procedure established by the parent agency and shall include a doctor's statement.

Agency Approval

The parent agency shall review the merits of the request and approve or disapprove. Agency heads may choose to delegate the responsibility for reviewing the validity of requests to an existing peer group or establish a committee for this purpose. Such a committee may also be used in an advisory capacity to the agency head.

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Confidentiality

The Privacy Act makes medical information confidential. When disclosing information on an approved recipient, only a statement that the recipient has a prolonged medical condition (or the family member) needs to be made. If the employee wishes to make the medical status public, the employee must sign a release to allow the status to be known.

When does voluntary shared leave begin?

An employee may begin using voluntary shared leave after all available sick and vacation/bonus leave has been exhausted. While using voluntary shared leave, employee continues to earn leave; when accounting for leave, this vacation and sick leave should be used first.

How much leave can a recipient receive?

The amount of leave a recipient may receive is 1,040 hours (prorated for part-time employees), either continuously or, if for the same condition, on a recurring basis. However, management may grant continuation, on a month-to-month basis, to a maximum of 2,080 hours, if management would have otherwise granted leave without pay.

Qualifying to Donate Leave

In order to donate voluntary shared leave, an employee (see definition of “Donor”) must, at the time of donation,:

- be an active employee (not separated);
- be in a position that earns leave; and
- have sufficient leave balances (see “how much leave may be donated”).

Employees on workers’ compensation leave without pay (LWOP) can donate leave earned prior to going on LWOP. The employee must have been in active leave earning status prior to workers’ comp LWOP and otherwise qualify to donate leave. Leave earned while on workers’ compensation LWOP is not available for donation until the employee is reinstated from LWOP.

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State employees who are exempt from the Human Resources Act (EHRA) can only participate if they are in comparable leave earning and reporting positions. Paid Time Off (PTO) leave programs are not considered comparable.

What may a family member donate?

An employee of any agency, public school system, or community college may contribute vacation/bonus or sick leave to another immediate family member in any agency, public school or community college. This includes family members on leave without pay. See definition of immediate family.

What may a non-family member donate?

An employee may donate the following leave to a non-family member:

- (1) An employee may donate vacation or bonus leave to another employee in any State agency.
- (2) An employee may donate vacation/bonus leave to a coworker's immediate family who is an employee in a public school or a community college. The employee and coworker must be in the same agency. This includes non-family members on leave without pay.
- (3) An employee of a State agency may donate sick leave to a nonfamily member of a State agency under the following provisions effective January 1, 2011:
 - The donor shall not donate more than five days of sick leave per year to any one nonfamily member;
 - The combined total of sick leave donated to a recipient from a nonfamily member donors shall not exceed 20 days per year;
 - Donated sick leave shall not be used for retirement purposes, and
 - Employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave.

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Advisory Note: At retirement a member of the TSERS with an earned sick leave balance receives an additional month of service credit for each 20 days or portion thereof. The additional service credit increases the retirement benefit for the remainder of the life of the retiree.

How much vacation/bonus leave may be donated?

The minimum amount of vacation and/or bonus leave that may be donated is four hours.

The maximum amount of vacation leave that may be donated:

- may not be more than the amount of the donor's annual accrual rate, and
- may not reduce the donor's vacation leave balance below one-half of the annual vacation leave accrual rate.

Bonus Leave may be donated without regard to the above limitations on vacation.

Example: Employee with 5 but less than 10 years of total state service earns 136 annually. Employee may donate 4 or more hours but may not reduce vacation leave balance below 68 hours.

How much sick leave may be donated?

The minimum amount of sick leave that may be donated is four hours.

The maximum amount of sick leave that may be donated:

- is 1,040 hours, but
 - may not reduce the sick leave account below 40 hours.
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What happens to leave at the end of the medical condition?

Any unused leave at the expiration of the medical condition, as determined by the agency shall be treated as follows:

- The recipient's sick leave account balance shall not exceed a total of 40 hours (prorated for part-time employees).

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- Any additional unused donated leave shall be returned to active (working or on leave without pay) donor(s) on a prorata basis and credited to the leave account from which it was donated.
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What happens to leave if recipient separates?

If a recipient separates due to resignation, death, or retirement from State government, participation in the program ends.

Unused leave shall be returned to the donor(s) on a prorata basis and credited to the same account from which it originally came.

What happens to leave if recipient transfers?

If a recipient transfers to another State agency, unused voluntary shared leave shall be returned to the donors. The employee must make a new request in the receiving agency.

Leave Records and Accounting

The agency shall establish a system of leave accountability which provides a clear and accurate record for financial and management audit purposes.

Leave donated shall be:

- kept confidential. Only individual employees may reveal their donation or receipt of leave,
 - credited to the recipient's sick leave account and charged according to the Sick Leave Policy, and
 - available for use on a current basis or may be retroactive for up to 60 calendar days to substitute for advanced vacation or sick leave already granted to the recipient or leave without pay. Donated leave should be applied to advanced leave before applying it to leave without pay.
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Reporting

All State agencies shall annually report to the Office of State Human Resources on the voluntary shared leave program. For the prior fiscal year, the report shall include the total number of days or hours of vacation leave and sick leave donated and used by voluntary shared leave recipients and the total cost of the vacation leave and sick leave donated and used.
