Purpose

Voluntary shared leave allows one employee to assist another employee in the case of a prolonged medical condition that exhausts the employee's available leave and would otherwise force the employee to be placed in leave without pay status, resulting in a loss of income and benefits.

This policy does not apply to incidental, normal, and/or short-term medical conditions. In addition, the policy is not intended to circumvent the requirement of management to have duties performed, or limit management's right to deny a request for leave without pay.

This program is administered by the Office of Human Resources.

Eligibility

The following appointment types are eligible to participate in the voluntary shared leave program:

- EPA Faculty (10 to 12-month) permanent employees
- EPA Non-Faculty permanent employees
- SPA employees regularly scheduled to work 20 hours or more each work week (permanent, probationary, trainee, or time-limited appointments)

Note: This is determined by the appointment types who earns leave

The following appointment types are not eligible to participate in the voluntary shared leave program:

- Temporary employees
- Student employees

For the purposes of using voluntary shared leave, "immediate family" will refer to the following relations:

- Spouse (husband or wife)
- Parent (biological, adoptive, or person who stood-in as "parent")
- Child (biological, adopted, legal ward, foster care, or person for whom employee stands-in as "parent")
- Sister or Brother (biological or adoptive)
- Grandparents
- Great-Grandparents
- Grandchildren
- Great-Grandchildren
- Step-, Half-, and In-law relations of the above
- Other dependents living in the household

Qualifying Conditions

**Prolonged Medical Condition:** A prolonged medical condition is one that is likely to require an employee's absence from duty for a prolonged period (at least 20 consecutive work days).

**Exception:** An exception to the 20-day requirement may be made if the employee has had previous, random, and excessive absences for the same condition as that for which shared leave is currently being requested; or if the employee has had a different but prolonged medical condition within the past 12 months.

The medical condition may involve the employee or an immediate family member. In either case, a document from the attending physician, listing the condition, prognosis, and the estimated time for treatment or recovery is required as part of the application process.

**Disability:** An employee may use donated shared leave to cover any needed hours for the required disability waiting period or for the time following the waiting period, provided that the benefits under the Disability Income Plan of North Carolina (DIPNC) have not yet begun. An employee receiving benefits from DIPNC is not eligible to participate in shared leave.

**Workers' Compensation:** Use of donated shared leave is limited to the required workers' compensation waiting period and for supplemental workers' compensation leave after the waiting period.

**Birth of a Child:** The period of actual physical disability as a result of pregnancy and childbirth, as certified by a physician, is a condition covered by this policy. Eligibility also may be extended for complications related to the pregnancy and delivery. The mother is eligible for shared leave for the period of recovery, and the physician's statement must specify the anticipated recovery time.

Non-Qualifying Conditions:

Shared leave will not ordinarily apply to short-term or sporadic conditions or illnesses. Each case must be examined and decided based on its conformity to policy intent, and must be handled consistently and fairly. Examples of non-qualifying conditions includes, but is not limited to, conditions such as:

- short-term or sporadic recurrence of chronic allergies or conditions
- short-term or sporadic absences due to contagious disease
• short-term or recurring medical or therapeutic treatments

Donations

The employee and his/her department representatives are responsible for identifying leave donors. An employee may not directly or indirectly make any attempt to intimidate, threaten, or coerce any other employee for the purpose of soliciting leave. (Such action is considered a personal conduct issue and subject to disciplinary action, including dismissal). Human Resources cannot solicit leave but they can inform the community of the need. The establishment of a leave “bank” for use by unnamed employees is prohibited; leave must be donated on a one-to-one personal basis.

A donor who is a non-family member may contribute vacation leave or bonus leave to eligible employees of NCSSM, of a State universities, of a public school, of a community college, or of any other State agency.

• An employee must not donate more than his/her annual vacation accrual amount;
• The donor’s combined ending balance of vacation and bonus leave after a donation may not be less than one-half the employee’s annual vacation leave accrual amount;
• The minimum donation for an employee is four hours.

A donor who is a non-family member may contribute sick leave to eligible employees of NCSSM, of a State universities, of a public school, of a community college, or of any other State agency 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.
  o Advisory Note: At retirement a member of 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 reminder of the life of the retiree.

A donor who is an immediate family member (as defined above) may contribute vacation leave, bonus leave, or sick leave to an eligible immediate family member employed by NCSSM, a State university, a public school, a community college, or any other State agency. If donating to an employee at another State agency, please contact Human Resources with complete contact information for the recipient's State agency's Shared
Leave Coordinator. This information should include name, title, agency name, address, phone and fax numbers and email address.

- An employee may donate up to a maximum of 1040 hours, but may not reduce their sick leave balance to less than 40 hours.
- The minimum donation for an employee is four hours.

Donated vacation leave is deducted from the employee's vacation leave record.
Donated bonus leave is deducted from the employee's bonus leave record.
Donated sick leave is deducted from the employee's sick leave record.
However, all donated leave is posted to the recipient's sick leave record.

Allowable Hours Received

The number of hours of leave an employee can receive is equal to the projected recovery or treatment period, less the employee's combined vacation and sick leave balance as of the beginning of the recovery or treatment period.

Generally, program participation is limited to 1,040 hours (pro-rated for part-time employees), either continuously or, if for the same condition, on a recurring basis.
However, management may extend eligibility in the program on a month-by-month basis for a maximum of 2,080 hours, provided they would have approved leave without pay for the employee in the absence of shared leave eligibility. Additional verification from the physician may be required.

The employee must exhaust all accrued vacation leave, sick leave, bonus leave, compensatory time off, travel time off, and equal time off before using any donated shared leave.

**NOTE:** If an employee is scheduled for a period of leave (voluntary shared leave, family and medical leave, leave without pay, etc.), and will not be able to use any accrued compensatory time off within its 52-week period, all such compensatory time off must either be taken or paid out prior to coding other leave for the absence.

Because an employee remains in pay status while coding shared leave, s/he continues to accrue vacation and sick leave provided s/he remains in pay status for at least one-half of the regularly scheduled work days and paid holidays in the month. This leave must be exhausted as it is earned. The earned leave can not be accrued while coding Voluntary Shared Leave.

Application Procedure

An application to receive or to donate leave must be approved by the employee's department before it is forwarded to the Office of Human Resources.
To apply to receive shared leave:

- The employee must complete an "Application to Receive Voluntary Shared Leave."
- The employee must receive a completed statement from his/her physician that states the medical condition and the amount of time the employee is expected to be away from work due to the condition.
- The employee's supervisor must sign the "Application to Receive Voluntary Shared Leave" to indicate departmental approval of the request.
- The employee submits the application and physician's statement to the Office of Human Resources.
- Human Resources completes the leave balance and earnings information on the application.
- Human Resources verifies the information and completes the application process. The employee will receive a letter indicating the employee's eligibility to receive shared leave.

All donations must be received by Human Resources within 60 days of the approval date of the recipient's "Application to Receive Voluntary Shared Leave." If additional time is needed after the 60-day time limit, an updated medical certification is required from the applicant.

To apply to donate shared leave:

- The employee must complete the "Application to Donate Voluntary Shared Leave."
- The employee submits the application to Human Resources.
- Human Resources completes the leave balance and earnings information and completes the application process.
- Human Resources sends a letter to the recipient, and the donor, indicating the number of hours that is being donated and docked from the donor's leave balance and added to the recipient's sick leave balance.

Administering Shared Leave

During and after the shared leave period:

- Leave transferred under this program is available for use on a current basis, or may be retroactive for up to 60 calendar days from the date the recipient's application is approved by Human resources.
- The leave balance of a recipient is exempt from the calendar year-end maximum carry-over restrictions.
- Human Resources will contact a donor if any donated leave needs to be returned.

Shared Leave ends when the employee returns to work. An employee may retain up to 40 hours (pro-rated for part-time employees) of unused donated leave. Any additional unused donated leave shall be returned to the donors on a pro-rata basis and placed in
the leave accounts from which they had been taken originally. (Fractions of one hour will not be returned to donors.)

If a shared leave recipient leaves state government, participation in the shared leave program ends as of the separation date. Unused donated leave will be returned to the donors on a pro-rated basis.

Questions

- If you have questions regarding the interpretation of the policy, participating as a recipient of the program, a donor of the program, or completing applications to receive or donate, contact Human Resources.
- If you have questions regarding your leave balance, contact Human Resources.

Related Forms

- Voluntary Shared Leave – Application to Donate
- Voluntary Shared Leave – Application to Receive