



Authority <b>Office of State Personnel</b>
Title <b>Voluntary Shared Leave</b>
Responsible Office <b>Human Resources</b>
Subject <b>Leave</b>
Applies to <b>Faculty with 12-month appointments, EPA Non-Faculty and SPA Employees</b>

**History:** Last revised:

**Additional References:** The UNC Policy Manual, Section 300.2.1

**Related Policies:** Office of State Personnel Voluntary Shared Leave Policy, EPA Non-Faculty Employment Policies

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## 1. POLICY STATEMENT

The Voluntary Shared Leave Program provides a mechanism for one employee to donate leave to another 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. An immediate family member may donate vacation/bonus or sick leave to another immediate family member in any agency, public school, or community college. A non-family member donor may donate vacation or bonus leave to another employee at any State agency or university. A non-family donor may also share leave with a coworker's immediate family member who is an employee in a public school or a community college.

The minimum amount of leave that may be donated is four (4) hours. The maximum amount of vacation leave that may be donated is the amount of the donor's annual accrual rate, provided that the donation does 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 these limitations. The maximum amount of sick leave that may be donated is 1,040 hours, provided that the donation does not reduce the sick leave account below (forty) 40 hours.

Donations must be made from one individual to another individual. The policy does not permit the establishment of a "leave bank." The employee with the "qualifying

condition” and his or her departmental 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 shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct.

This policy does not circumvent the requirement of management to insure that essential duties are performed or limit management’s right to deny a request for leave.

## 2. DEFINITIONS

“**Donor**” is the employee who donates leave.

“**Recipient**” is the employee who receives leave.

“**Immediate Family**” refers 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

“**Prolonged Medical Condition**” is a condition that is likely to require an employee’s absence from duty for a prolonged period (at least 20 consecutive work days). 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 twelve (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.

## 3. QUALIFYING TO RECEIVE LEAVE

In order to receive voluntary shared leave, an employee must:

- Be in a leave earning position (nine-month faculty and temporary employees are not eligible to donate or receive leave),
- Have a prolonged medical condition (or a member of the employee's immediate family must have a medical condition that requires the employee's absence for a prolonged period of time),
- Apply to become a recipient of Voluntary Shared Leave,
- Provide medical evidence to support the need for leave beyond the available accumulated leave, and
- Be approved by Human Resources to participate in the program.

#### **4. NONQUALIFYING 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 that DIPNC benefits have not begun.

Short-term or sporadic conditions or illnesses are not ordinarily covered by this policy. Each case must be considered according to the intent of the policy. Cases must be handled consistently and fairly. Examples of Non-Qualifying Conditions include:

- 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

#### **5. CONFIDENTIALITY**

Any medical information provided as part of the process for qualifying to receive Voluntary Shared Leave is confidential and may not be disclosed except as provided by law. The medical information shall be kept in Human Resources in a file separate from the employee's personnel file. When disclosing information on an approved recipient, only a statement that the recipient (or the family member) has a prolonged medical condition shall be made. If the employee wishes to make the medical information public, the employee must sign a release to allow the status to be known.

#### **6. APPLYING TO RECEIVE SHARED LEAVE**

An employee must complete an "Application to Receive Voluntary Shared Leave." This form is available on the web or from Human Resources. The employee must provide a completed statement from his or 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.

An application to receive Voluntary Shared Leave must be approved by the employee's department **before** it is forwarded to Human Resources. The department's determination as to whether or not an employee's application will be forwarded is based in part on the

employee's past compliance with University leave policies. The supervisor should sign the "Application to Receive Voluntary Shared Leave" indicating approval or denial of the request. If approved, the supervisor should complete the leave balance and earnings information on the application.

The employee should submit the approved "Application to Receive Voluntary Shared Leave," the doctor's statement, and a copy of the employee's current leave record to Benefits Manager, Human Resources.

Human Resources will verify the information and notify both the employee and the supervisor of the employee's eligibility to receive shared leave. Donations must be received by Human Resources within sixty (60) days of the approval date. If additional time is needed after the 60-day limit, an updated medical certification is required from the applicant.

## **7. DONATING LEAVE**

An employee who wishes to donate leave must complete an "Application to Donate Voluntary Shared Leave." This form is also available on the web or from Human Resources. If the employee does not have a specific recipient in mind, he or she may contact Human Resources who can provide general information from which the donor may choose a recipient. Names will not be provided.

The employee's supervisor must sign the "Application to Donate Voluntary Shared Leave" to indicate the department's approval of the request. The supervisor should complete the leave balance and earnings information and submit the approved application to Human Resources.

Human Resources will verify the information and send a letter to the recipient, the donor, and the donor's supervisor indicating the number of hours that should be docked from the donor's leave balance and added to the recipient's sick leave balance.

## **8. LEAVE ADMINISTRATION**

The maximum amount of shared leave a recipient may receive is 1,040 hours (pro-rated for part-time employees), either continuously or, if for the same condition, on a recurring basis. 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.

Leave transferred under this program is available for use on a current basis, or may be retroactive for up to sixty (60) calendar days from the date the recipient's application was approved by Human Resources.

Each department is responsible for the accuracy of donor and recipient leave records. When a shared leave recipient exhausts all leave and must be placed in leave without pay

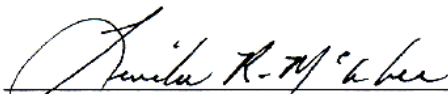
status, the department is responsible for initiating personnel actions. When the recipient returns from shared leave, the recipient's supervisor should contact Human Resources.

The leave balance of a recipient is exempt from the calendar year-end maximum carry-over restrictions.

When a shared leave recipient returns to work, he or she may retain up to forty (40) hours (pro-rated for part-time employees) of unused donated leave. Any additional unused donated leave shall be returned to donors on a pro-rata basis and placed in the leave accounts from which they were originally taken.

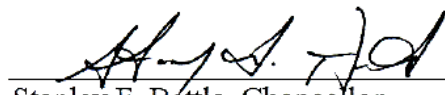
If a shared leave recipient leaves state government, participation in the shared leave program ends as of the separation date and unused donated leave is returned to donors on a pro-rata basis.

Approved:



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Linda R. McAbee, Vice Chancellor for Human Resources

Date: 1/10/08



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Stanley F. Battle, Chancellor

Date: 1/10/08