



REG - 80.02.8 - VOLUNTARY SHARED LEAVE PROGRAM POLICY

Authority: Chancellor

Responsible Office: Human Resources

Number:

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History:

Effective: June 2006; Reformatted/Updated: December 9, 2013; BOT Approval: September 30, 2014; Reformatted: May 10, 2016

Related Policies/Sources:

[NC Administrative Code Section 01E.1303 - Administration](#), [NC Administrative Code Section 01E.1304 - Qualifying to Participate In Voluntary Shared Leave Program](#), [NC Office of State Human Resources Manual - Voluntary Shared Leave](#), [NC General Statute Section 126-4\(5\) - Powers and duties of the State Human Resources Commission](#),

Contact Info:

Department of Human Resources, 919-530-6334

1. Policy

1.1 In case of a serious and prolonged medical condition, an employee may apply for or be nominated to become a recipient of leave transferred from another employee.

1.2 The intent of this policy is to allow one employee to assist another in a crisis involving a serious, prolonged medical condition. It is not the intent of this policy to apply to incidental, normal, and/or short-term medical conditions.

1.3 For the purpose of this policy, medical condition means a medical condition of an employee (or an immediate family member of an employee) that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee due to limited leave in the employee's leave accounts.

1.4 With regard to application for participation in the program, each approved medical condition shall stand alone. An employee already approved for the shared leave program for one illness who subsequently develops another illness while under the program would have to reapply to remain eligible for the program.

2. Limits on Program Participation

2.1 The use of vacation, sick, or bonus leave on a shared basis for any purpose other than specified by this policy is prohibited.

2.2 The establishment of a "leave bank" for use by unnamed employees is expressly prohibited.

2.3 The employee donating leave cannot receive compensation for the leave donated.

2.4 Participation in this program is strictly voluntary. Any action by an employee to coerce another employee or interfere in any way with donating, receiving, or using leave under this program shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct.

3. Solicitation of Leave

3.1 Only the University Department of Human Resources may solicit the donation of vacation, bonus or sick leave on behalf of an employee approved for participation in this program. This solicitation of leave will be made only through periodic notices, as required, in a campus communication.

3.2 Employees may not personally solicit the donation of leave on their own behalf or on behalf of another employee, under the penalties noted above. However, an employee may solicit family members on his or her own behalf.

4. Confidentiality

Individual leave records are confidential, and only individual employees may reveal their donation or receipt of leave. In addition, employees receiving donated leave shall not be informed of the names of employees who have donated leave. Finally, the nature of an employee's medical condition will not be made public.

5. Eligibility and Participation Requirements for Recipients

5.1 The recipient must be a permanent EHRA or SHRA employee in a leave-earning status (including probationary employees and trainees to permanent appointments).

5.2 An employee may apply for shared leave when medical evidence is available to support the need for leave beyond 20 days and also beyond the employee's accumulated leave balance. Leave donated under the program may be used to cover any associated absence from work,

5.3 An employee must deplete all the vacation, bonus, sick leave, accrued comp time or other leave in his or her account to become eligible to use donated leave. Accrued leave during the disability period will be deducted prior to shared leave donations.

5.4 Participation in this program is limited to 1,040 hours (prorated for permanent part-time employees) either continuously or, if for the same condition, on a recurring basis. However, management may grant employee continuation in the program, month by month, for a maximum of 2,080 hours if management would otherwise have granted leave without pay.

5.5 The university may initially or periodically require verification from the employee's attending physician (or the employee's family member's attending physician) as to the current or continuing

nature of the medical condition in order to become or remain eligible for participation in the shared leave program.

5.6 An employee on the Disability Income Plan of North Carolina or on workers' compensation leave should contact the Department of Human Resources for further information regarding participation in this program.

6. Participation Requirements for Donors

6.1 Donation of Vacation or Bonus Leave. If the recipient employee has been approved for leave transfer under this program, vacation, or bonus leave may be donated by any SHRA or EHRA employee in a leave-earning status provided the employee donating vacation or bonus leave does not reduce his or her vacation leave balance below one-half the annual vacation leave accrual rate.

6.1.1 Scenario Example:

An SHRA employee with five (5) but less than 10 years of state service earns 134 hours annually. This employee may contribute four or more hours but may not reduce his or her vacation leave balance below 67 hours.

6.2 Donation of Sick Leave. 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 and:

6.2.1 The donor shall not donate more than five days of sick leave per year to any one non-family member.

6.2.2 The combined total of sick leave donated to a recipient from non-family member donors shall not exceed 20 days per year.

6.2.3 Donated sick leave shall not be used for retirement purposes.

6.2.4 Employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave.

6.2.5 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.

6.3 Amount of Sick or Vacation Leave to be Donated: The minimum amount of sick or vacation leave to be donated is four hours. Additional amounts may be donated in one-hour increments.

7. Treatment of Unused Donated Leave

7.1 Expiration of Medical Condition or Resignation of Recipient: At the expiration of the medical condition (as determined by the agency) or if the recipient employee resigns while participating in the program, the following guidelines apply:

7.1.1 The sick leave balance of the recipient may not exceed 40 hours. Vacation leave balance will be zero.

7.1.2 Any additional unused donated leave beyond 40 hours will be returned to the donor(s) on a

prorated basis in increments of five minutes. Amounts less than one hour or increments less than five minutes shall not be returned to an individual donor, but will be forfeited.

7.1.3 Death of Recipient Employee. In case of the death of an employee, unused donated leave will be returned to the donor(s) on a prorated basis in increments as indicated in Policy statement 7.1.1.

8. Participation in Shared Leave Program by Recipient

8.1 Request for Participation. An employee desiring to be a recipient of shared leave must apply or be nominated by a fellow employee for participation in the program by submission of a shared leave application to Human Resources. If nominated by a fellow employee, the nominee must sign a release to allow his or her status to be known prior to the soliciting, by Human Resources, of shared leave on the employee's behalf. The nature of the employee's medical condition shall not be made public. Employees who are eligible for FMLA must complete an FMLA request through human Resources. Employees not eligible must submit a shared leave application and have a physician statement of illness form completed by physician.

8.2 Approval of the Request. Human Resources will review the merits of the request and will inform the employee of the final decision regarding acceptance or rejection as a recipient.

8.3 Notification to campus will be made by Human Resources via email and will circulate for 15 days. Donations received by Human Resources on or before the donation deadline will be processed.

8.4 Not all donations meet the qualifications in order to donate leave. If a donation is rejected the donor will be notified, not the recipient.

9. Recipient Leave Accounting and Usage If Approved

Recipients will be notified in writing by the Human Resources of the total amount of leave which has been accepted and processed. Employees using shared leave should record sick leave on their web leave reports. Shared leave will be managed by the Human Resources on an as needed basis.