

## Voluntary Shared Leave

**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**

| Type of Appointment   | Is Employee Eligible? |    |
|---|-----------------------|----|
|   | Yes                   | No |
| Full-time or part-time (half-time or more)<br>Permanent, probationary, trainee, or time-limited | x                     |    |
| Temporary, intermittent, or part-time (less than half-time)                                     |                       | x  |

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

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**Voluntary Shared Leave, Continued**

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**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.

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

Agencies with less than 200 employees may establish agreements with another small agency(ies) to be treated as one agency for purposes of this policy. The agreement shall be filed with the Office of State Personnel.

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**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.

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**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.

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**Voluntary Shared Leave, Continued**

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**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 Personnel.

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**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 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.

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**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.

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**Voluntary Shared Leave, Continued**

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**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.

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**When does VSL 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.

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**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.

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**What may a family member donate?** An immediate family member donor 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.

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**What may a non-family member donate?** A non-family member donor may contribute vacation or bonus leave to another employee in any agency. A non-family donor may share leave with 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.

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## Voluntary Shared Leave, Continued

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**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 134 hours annually. Employee may contribute 4 or more hours but may not reduce vacation leave balance below 67 hours.**

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**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).
  - 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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## Voluntary Shared Leave, Continued

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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.

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**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.

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**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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