Preamble

This policy shall govern the implementation of the voluntary shared leave program at Elizabeth City State University (ECSU) in accordance with the framework established by the Office of State Personnel (“OSP”) policy on the voluntary shared leave program. To the extent that any provision of this policy conflicts with the OSP policy statement on the voluntary shared leave program, the OSP version shall control.

1. Policy Statement

An employee may 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.

2. Covered Employees

A. Full-time or Part-time (Half-time or more)
   Employees who are full-time or part-time (half-time or more) in a permanent, probationary, trainee, or time-limited position are eligible to participate in the voluntary shared leave program.

B. Temporary, Intermittent or Part-time (Less Than Half-time)
   Employees who are temporary, intermittent, or work less than half-time are not eligible to participate.

C. EPA employees who earn leave are eligible to participate.

3. Definitions

Under this policy, the following terms are defined accordingly:

A. Prolonged Medical Condition or Prolonged Period of Time
   A prolonged medical condition or prolonged period of time is defined as twenty (20) consecutive workdays.

B. Recipient
   A recipient is the employee or the employee’s immediate family who receives leave.
C. Donor
   A donor is an employee who donates leave.

D. Immediate Family
   Immediate family refers to:

1. Spouse
   Spouse includes a husband or wife.

2. Parent
   Parent includes a mother or father, either: Biological, Adoptive, Step, In Loco Parentis or In-law.

3. Child
   Child includes a daughter or son, either: Biological, Adoptive, Step, In Loco Parentis or In-law.

4. Brother/Sister
   Brother or sister includes, either: Biological, Adoptive, Step, In Loco Parentis or In-law.

5. Grand/Great
   Grand/Great includes either: Parent, Child, Step or In-law

6. Dependents
   Declared dependents living in the employee’s household.

4. 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, ECSU may make an exception to the 20-day period.

5. Procedures for Implementing Shared Leave Program

   A. 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 completing the Voluntary Shared Leave Request Form and Physician Certification Form. The completed application must be submitted to Human Resources for participation in the program.

   B. The Director for Human Resources & Payroll will review the request and, if approved, forward the application to the supervisor and/or manager for review and signature(s).
C. Applicants will be notified in writing by Human Resources of the approval or disapproval of the application.

D. An employee who wishes to donate leave should submit a Voluntary Shared Leave Transfer Request Form to Human Resources.

E. The procedures within this policy for implementing the Shared Leave Program are subject to the availability of university funds to support the request.

6. Leave “Bank” Prohibited

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

7. 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.

8. Qualifying to Receive Leave

A. In order to receive voluntary shared leave, an employee (see definition of “Recipient” in Section 3.B. above) must have complied with existing rules and:

1. 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),

2. apply for or be nominated to become a recipient,

3. produce medical evidence to support the need for leave beyond the available accumulated leave, and

4. be approved to participate in the program.

B. 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.
9. **Non-qualifying Reasons**

   A. **Employees Receiving Benefits from the Disability Income Plan of North Carolina (DIPNC)**

   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.

   B. **Short-term or Sporadic Conditions or Illnesses**

   This 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.

10. **Application Procedure**

    An employee desiring to be a recipient of shared leave must apply or be nominated by a fellow employee to participate in the program by completing the Voluntary Shared Leave Request Form and Physician Certification Form. The completed application must be submitted to Human Resources for participation in the program.

11. **Approval**

    The Director for Human Resources & Payroll will review the merits of the request and approve or disapprove. If the application is approved, the Director for Human Resources & Payroll will forward the application to the supervisor and/or manager for review and signature(s). Applicants will be notified in writing by Human Resources of the approval or disapproval of the application.

12. **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.
13. **Commencement of Voluntary Shared Leave**

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

In order to donate voluntary shared leave, an employee must, at the time of donation be an active employee, be in a position that earns leave and have sufficient leave balances. 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.

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

14. **Leave Donations**

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. Senior level managers may grant approval for continuation of the donation of leave beyond 1,040 hours, up to a maximum of 2,080 hours, in extenuating cases where leave without pay would have been granted.

A. **Donations by Immediate Family Members**

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.

B. **Donations by Non-Family Members**

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

1. An employee of a State agency may donate vacation or bonus leave to another employee in any State agency.
2. An employee of a State agency 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:
   a. The donor shall not donate more than five days of sick leave per year to any one nonfamily member;
b. The combined total of sick leave donated to a recipient from a nonfamily member donors shall not exceed 20 days per year;
c. Donated sick leave shall not be used for retirement purposes, and
d. Employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave.

4. 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 remainder of the life of the retiree.

15. **Amounts of Vacation/Bonus Leave that May be Donated**

A. Minimum Donation of Vacation/Bonus Leave
   A donor may donate a minimum of four (4) hours of vacation/bonus leave to a recipient.

B. Maximum Donation of Vacation/Bonus Leave
   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:** An employee with five (5) but less than ten (10) years of total state service earns 136 hours annually. An employee may contribute four (4) or more hours but may not reduce the vacation leave balance below 68 hours.

16. **Amounts of Sick Leave that May be Donated**

A. Minimum Donation of Sick Leave
   A donor may donate a minimum of four (4) hours of sick leave to a recipient.

B. Maximum Donation of Sick Leave
   A donor may donate a maximum of 1,040 hours to a recipient, but may not reduce the sick leave account balance below 40 hours.

17. **Unused Leave Balances**
   Any unused leave at the expiration of the medical condition shall be treated as follows:

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

18. **Recipient’s Separation from State Service**

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.

19. **Recipient’s Transfer to Another State Agency/University**

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

20. **Leave Records and Accounting**

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

B. Leave donated shall be kept confidential. Only individual employees may reveal their donation or receipt of leave.

C. Donated leave shall be 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 shall be applied to advanced leave before applying it to leave without pay.