

ELIZABETH CITY STATE UNIVERSITY
Voluntary Shared Leave Program Policy

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 Human Resources (“OSHR”) policy on the Voluntary Shared Leave Program. To the extent that any provision of this policy conflicts with the OSHR policy statement on the Voluntary Shared Leave Program, the OSHR version shall control.

1. Policy Statement

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.

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, and time-limited position are eligible to participate in the Voluntary Shared Leave program.

B. Temporary and Part-time (Less Than Half-time)

Employees who are temporary or part-time (less than half-time) are not eligible for leave.

C. EHRA 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 (see exception under Section 4).

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, Foster, Step, *In Loco Parentis* or In-law.

4. Brother/Sister

Brother or Sister includes, either: Biological, Adoptive, Step, Half, 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 the Voluntary 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 Chief Human Resources Officer 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 Voluntary Shared Leave Program are subject to the availability of university funds to support the request.

6. 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.

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 Human Resources.

- C. An employee on maternity leave may be eligible to receive voluntary shared leave to cover the period of disability related to the pregnancy and/or birth as documented by a physician.

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

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.

Voluntary shared leave cannot be used for parental care of a newborn child absent a documented prolonged health condition.

10. Application Procedure

A prospective recipient shall 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 Chief Human Resources Officer will review the merits of the request and approve or disapprove. If the application is approved, the Chief Human Resources Officer 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.

14. Leave Donations Received

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, on a month-to-month basis, to a maximum of 2,080 hours, if management would have otherwise granted leave without pay.

15. Qualifying to Donate Leave

In order to donate voluntary shared leave, an employee (see definition of “Donor”, Section 3C) must, at the time of donation be an active employee (not separated); be in a position that earns leave; and have sufficient leave balances (see Section 16).

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 (EHRA) can only participate if they are in comparable leave earning and reporting positions. Paid Time Off (PTO) leave programs are not considered comparable.

16. Family Member Donations

An employee 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, Section 3D).

17. Donations by Non-Family Members

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

- A. An employee may donate vacation or bonus leave to another employee in any State agency.
- B. An employee 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.
- C. An employee of a State agency/university may donate sick leave to a nonfamily member of a State agency/university under the following provisions effective January 1, 2011:
 - 1. The donor shall not donate more than five days of sick leave per year to any one nonfamily member;
 - 2. The combined total of sick leave donated to a recipient from nonfamily member donors shall not exceed 20 days per year;
 - 3. Donated sick leave shall not be used for retirement purposes, and
 - 4. Employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave.
- D. 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.

18. Vacation/Bonus Leave Amounts that May be Donated

A. Minimum Donation of Vacation/Bonus Leave

The minimum amount of vacation/bonus that may be donated is 4 hours.

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 donate four (4) or more hours but may not reduce the vacation leave balance below 68 hours.

19. Sick Leave Amount that May be Donated

A. Minimum Donation of Sick Leave

The minimum amount of sick leave that may be donated is four hours.

B. Maximum Donation of Sick Leave

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.

20. Unused Leave Balances

Any unused leave at the expiration of the medical condition, as determined by the agency 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.

21. 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 leave account from which it was donated.

22. 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 donor(s) on a prorata basis and credited to the same leave account from which it was donated. The employee must make a new request in the receiving agency/university.

23. Leave Records and Accounting

- A. ECSU has established 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.