

Chapter Name:	Personnel Policies	Policy 2-33
Policy Title:	Voluntary Shared Leave Program (VSL)	
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2-33 Voluntary Shared Leave Program

I. Purpose

There are occurrences brought about by prolonged medical conditions that cause employees to exhaust all available leave and therefore be placed on leave without pay. It is recognized that such employees forced to go on leave without pay could be without income at the most critical point in their work life. It is also recognized that fellow employees/family members may wish to donate voluntarily some of their leave so as to provide assistance to a coworker or family member. This policy provides an opportunity for employees to assist another employee/family member on a one-to-one basis, when a medical condition requires absence from duty for a prolonged period of time, resulting in a possible loss of income due to a lack of accumulated leave.

II. Policy

An employee may donate leave, as outlined below, to an employee who has been approved to receive voluntary shared leave (VSL) 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.]

A. Covered Employees

Type of Appointment	Is Employee Eligible?	
	Yes	No
Full-Time employee, eligible to accrue leave, who has exhausted all earned sick/vacation leave	x	
Temporary, intermittent, or part-time		x

B. Definitions

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

C. Definition Of Immediate Family

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

D. 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 12 months, the college may make an exception to the 20-day period.

E. Leave “Bank” Prohibited

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

F. Qualifying To Receive Leave

Participation in this program shall be based on the employee’s past compliance with leave rules.

An employee on workers’ compensation leave who is drawing temporary total disability compensation may be eligible to participate. Use of donated leave under the workers’ compensation program shall be limited to use with the supplemental leave schedule as described in 25 NCAC 01E .0707.

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

G. 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 does not 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.

H. Application Procedure

A person may apply to participate in the program by completing the application and submitting to the appropriate supervisor or a person can be nominated by a fellow employee. A prospective recipient may make application for VSL at such time as medical evidence is available to support the need for leave beyond the employee's available accumulated leave.

Application for participation shall include, name, classification, parent agency, jurisdiction from which donations of leave is requested, description of the medical condition and estimated length of time needed to participate in the program. A doctor's statement must be included in the application.

The request must be reviewed and approved through the supervisory chain to the appropriate member of the President's Leadership Team and forward the request to the Director of Human Resources for consideration. If the request is not approved by the Director of Human Resources, the decision may be appealed to the President. The decision of the President shall be final and may not be appealed.

I. Confidentiality

If approved, the Director of Human Resources will notify full-time employees of the opportunity to donate leave to the applicant, and if necessary, a specific time period for donations will be given. The donation time period will be decided on a case by case basis. 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.

All forms regarding VSL are available on the Google Drive, COA shared documents.

J. Beginning Of Voluntary Shared Leave

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

K. Amount Of Leave A Recipient Can Receive

The amount of leave a recipient may receive is 1,040 hours, either continuously or, if for the same condition, on a recurring basis. However, the college may grant continuation, on a month-to-month basis, to a maximum of 2,080 hours, if the college would have otherwise granted leave without pay.

L. Qualifying To Donate Leave

In order to donate VSL, an employee (see definition of “Donor”) must, at the time of donation:

1. be an active employee (not separated);
2. be in a position that earns leave; and
3. have sufficient leave balances (see “how much leave may be donated”).

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’ compensation LWOP and otherwise qualify to donate leave.

M. Family Member Donation

A family member who is a full-time employee of the college may donate sick/annual/bonus leave to another immediate family member in any state agency, public school, or community college.

An employee may make application to donate leave to an immediate family member by submitting such application directly to the Director of Human Resources.

N. Non-Family Member Donation

An employee may donate **sick**/annual/bonus leave to another employee at the college.

An employee may donate annual/bonus leave to a coworker’s immediate family who is an employee in a state agency or public school. The employee and coworker must be employed by the college.

O. Amount Of Annual/Bonus Leave For Donation

The minimum amount of annual/bonus leave that may be donated is four hours.

The maximum amount of annual leave that may be donated:

1. may not be more than the amount of the donor's annual accrual rate, and
2. 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 136 hours annually. Employee may donate 4 or more hours but may not reduce annual leave balance below 68 hours.

P. Amount of Sick Leave for Donation for a Family Member

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

The maximum amount of sick leave that may be donated:

1. is 1,040 hours, but
2. may not reduce the sick leave account below 40 hours.

Q. Amount of Sick Leave for Donation for a Non-Family Member

1. An employee may donate up to five days of sick leave to a non-family member employee;
2. The combined total of sick leave donated to a recipient from non-family member donors shall not exceed 20 days per year; and
3. Donated sick leave shall not be used for retirement purposes.

R. Leave At the End Of The Medical Condition

Each approved medical condition shall stand alone and any unused leave at the expiration of the approved medical condition, as determined by the college shall be treated as follows:

1. The recipient's annual and sick leave account balance shall not exceed a combined total of 40 hours
2. Unused donated hours will be returned to those donors whose time was applied using an equitable distribution manner to restore as many hours as possible.

S. Leave If the 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 pro-rata basis and credited to the same account from which it originally came.

T. Leave If the Recipient Transfers

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

U. Leave Records and Accounting

The college has established a system of leave accountability which provides a clear and accurate record for financial and management audit purposes.

Leave donated shall be:

1. Kept confidential (only individual employees may reveal their donation or receipt of leave);
2. Credited to the recipient's leave account; and
3. Available for use on a current basis or may be retroactive for up to 60 calendar days to substitute for advanced annual or sick leave already granted to the recipient or leave without pay. Donated leave will be applied to advanced leave before applying it to leave without pay.

V. Reports

The college shall report annually to the North Carolina Community College System on or before September 30 each year. The report shall include the total number of days or hours of annual/bonus leave and sick leave donated and used by VSL recipients and the total cost of the annual/bonus leave and sick leave donated and used.

W. Intimidation or Coercion Prohibited

An employee shall only request VSL through the Human Resources Office and may not ask 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.