

North Carolina Department of Public Instruction Voluntary Shared Leave Policy

Policy The Department of Public Instruction shall maintain a Voluntary Shared Leave (VSL) Program whereby an employee with a prolonged medical condition that causes the employee to exhaust all available leave may apply for assistance through the donation of leave by fellow employees.

For purposes of this policy, medical condition is defined to include a medical condition of an employee or a family member (spouse, parents, great/grandparents, children brother, sister, or other dependents [including step and in-law relationships]) likely to require an employee's absence from duty for a prolonged period, which is defined to be at least 20 consecutive workdays. 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, an exception to the 20-day period may be allowed.

Purpose The purpose of the Voluntary Shared Leave Program is to provide an avenue whereby employees can help one another on a one-to-one personal basis. If an employee has a prolonged medical condition that causes him/her to exhaust all of his/her available leave (vacation, sick, and bonus), he/she may apply or be nominated for this program. The establishment of a leave bank for use by unnamed employees is expressly prohibited.

- Eligibility**
1. Eligible employees include those who are Subject to the State Personnel Act (SPA) or Exempt from the State Personnel Act (EPA) with full-time or part-time (half-time or more) permanent, probationary, trainee, or time-limited appointment status. Leave may be shared between SPA and EPA employees.
 2. An employee shall exhaust all available leave before using donated leave.

3. An employee with a medical condition and who receives benefits from the Disability Income Plan of North Carolina is not eligible to participate in the Voluntary Shared Leave program except during the required waiting period and following the waiting period, provided Disability Income Plan benefits have not begun.
4. An employee on worker's compensation leave who is drawing temporary total disability compensation may be eligible to participate in this program. Use of donated leave under the worker's program would be limited to use with the supplemental leave schedule published by the Office of State Personnel.
5. 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. Voluntary Shared Leave cannot be used for parental care of a newborn child without a documented prolonged health condition.

**Application
Procedures**

1. An employee wishing to apply for leave shall complete the DPI Shared Leave application and submit it to the Human Resources Benefits Specialist. A statement from the employee's (or family member's) physician certifying the employee's (or family member's) medical condition and stating his/her expected return-to-work date must be sent from the physician to the Human Resources Benefits Specialist.
2. When an application is received, the Human Resources Benefits Specialist will ensure that the employee qualifies for the program.
3. The Human Resources Benefits Specialist will sign the request form and forward it to the Director of Human Resources for final approval/denial. In the event that the Director of Human Resources is unavailable, or under extenuating circumstances, the State Superintendent or her designee will review the application and make a determination of approval or denial.
4. If a request is approved, the Benefits Specialist will
 - Notify the employee of the request approval
 - Communicate to all DPI employees that the employee has been approved to receive donations through the VSL program. A deadline for receiving

donations will be included in the communication. The period for receiving donations will not exceed fourteen (14) calendar days unless an extenuating circumstance warrants it.

- The employee will contact the Human Resources Benefits Specialist every thirty (30) calendar days to certify continued need if more than one month of leave was approved.
5. If a request is denied, the Human Resources Benefits Specialist will immediately notify the employee.

**Donation
Procedure**

1. DPI employees wishing to donate leave to DPI employees are to complete, sign, and date the DPI VSL Donations Form available in the Human Resources Division and on the DPI Intranet, and submit it to the Human Resources Benefits Specialist. All donations must be received by the by the Human Resources Benefits Specialist by the deadline.
2. The Human Resources Benefits Specialist will review the VSL donation forms and insure that all requirements are met prior to approving and transferring leave.
3. DPI employees wishing to donate leave to employees of another state agency will complete the DPI VSL Donation Form and the BEACON VSL Form and submit it to the DPI Human Resources Benefits Administrator for review, approval, and transferring of leave through Best Shared Services.

**Donor
Guidelines**

1. In order to donate voluntary shared leave, an employee (donor) must be at the time of donation
 - an active state employee (not separated),
 - be in a leave earning position, and
 - have sufficient leave balances.
2. An employee of any State agency, public school system, or community college may donate vacation leave, bonus leave, or sick leave to an immediate family member in any State agency, public school, or community college. An employee may donate vacation or bonus leave to another employee in any State agency or to a coworker's immediate family member who is an

employee in a public school or community college provided the employee and coworker are in the same agency. An employee may donate sick leave to another employee in any State agency in accordance with the provisions of these Guidelines. The minimum amount of vacation, sick, and/or bonus leave to be donated is four (4) hours. Immediate family is defined in 25 NCAC 01E .0317 DEFINITIONS.

3. An employee of a State agency may donate up to five days of sick leave to a nonfamily member employee of a State agency. The combined total of sick leave donated to a recipient from a nonfamily member donor shall not exceed 20 days per year. Donated sick leave shall not be used for retirement purposes. Employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave.
4. An employee donating sick leave to a qualified family member under this program may donate up to a maximum of 1040 hours but may not reduce his or her sick leave balance below forty (40) hours.
5. The maximum amount of vacation leave allowed to be donated by one individual is to be no more than the amount of the individual's annual accrual rate. However, the amount donated is not to 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 preceding limitations on vacation leave.
6. Employees on worker's compensation leave without pay status can donate leave earned prior to going on leave without pay. The employee must have been in active leave-earning status prior to worker's compensation leave without pay, and otherwise qualify to donate leave. Leave earned while on worker's compensation leave without pay is not available for donation until the employee is reinstated from leave without pay.
7. An employee may not intimidate, threaten, coerce, or attempt to intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with any right that 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.

Accountability

The Human Resource Benefits Specialist will

- Process all applications in a timely manner.
- Insure that all transfers of leave under this policy meet the criteria for transfer.
- Credit the employee's shared leave account.
- Insure that an approved VSL employee's sick leave account balance does not exceed forty (40) hours upon his/her return to work (prorated for part-time employees).
- Return any leave beyond this amount to active (working or on leave without pay) donors on a pro-rated basis, and credit this amount to the leave account from which it was donated. Fractions of one hour shall not be returned to an individual donor.
- Monitor employee's 30-day re-certification requirement.
- Monitor all leave activity of the employee.

The employee will

- Provide the required documentation and re-certify every thirty (30) days.
- Provide information on contact with other state agency employees, or provide that information themselves.
- Notify Human Resource Benefits Specialist of return to work and provide any necessary documentation. *Failure to provide documentation may result in denial of participation in the VSL program.

Confidentiality

Medical information is strictly confidential and is subject to the privacy provisions of the Health Information Portability and Accountability Act (HIPAA) as well as confidentiality provisions of the State Personnel Act (SPA), and the federal Americans with Disabilities Act (ADA).

Privacy of Information

Prior to making the employee's status public for purposes of receiving shared be known. Individual leave records are confidential, and only individual employees may reveal their donations or receipt of leave.