Policy 5.25

Voluntary Shared Leave Program Policy

In cases of a prolonged medical condition an employee may apply for or be nominated to become a recipient of leave transferred from the vacation leave account of another employee or from the sick leave or vacation account of an immediate family member as defined below. For purposes of this policy, prolonged medical condition means medical condition that is likely to require an employee's absence from duty for a period of 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 12 months, the College may make an exception to the 20 day period.

For the purposes of this policy, immediate family is defined as:

- Spouse – a husband or wife;
- Parent;
    - A biological or adoptive parent, or
    - An individual who stood in loco parentis (a person who is in the position or place of a parent) to employee when the employee was a child, or
    - A step-parent, or
    - In-law relationships;
- Child – a son or daughter who is:
    - A biological child, or
    - An adopted child, or
    - A foster child (a child for whom the employee performs the duties of a parent as if it were the employee's child), or
    - Step-child (a child of the employee's spouse from a former marriage), or
    - A legal ward (a minor child placed by the court under the care of a guardian), or
    - A child of an employee standing in loco parentis, or
    - In-law relationships;
- Sister or brother – biological, adoptive (including step-, half-, or in-law relationships);
- Grandparents, great grandparents, grandchildren, great grandchildren (including step relationships); and
- Other dependents living in the employee's household.

An employee who receives benefits from the Disability Income Plan of North Carolina (DIPNC) is not eligible to participate in the shared leave program. Shared leave, however, may be used during the required waiting period and following the waiting period provided DIPNC benefits have not begun.

Participation in this program shall be limited to 1,040 hours, (prorated for part-time employees), either continuously or, if for the same condition, on a recurring basis. However, management may grant employees continuation in the program, month by month, for a maximum of 2,080 hours, if management would have otherwise granted leave without pay.

An employee on workers' 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 compensation program shall be limited to use with the supplemental leave schedule as follows:

> After an employee has gone on worker's compensation leave, the weekly benefit may be supplemented by the use of partial sick or vacation leave, earned prior to the injury, in accordance with a schedule that is based on a formula designed to ensure that the monetary amount of leave an employee may supplement, combined with the workers' compensation benefit, is as close as possible to the employee's net pay after State and Federal taxes.

The employee shall exhaust all available leave before using donated leave.

Non-qualifying conditions: This leave does not apply to short-term or sporadic conditions or illnesses that are common, expected or anticipated. This includes 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 the intent of this policy and must be applied consistently and equitably.

Administration

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

Qualifying to Participate in Voluntary Shared Leave Program Policy

In order to participate in the Voluntary Shared Leave Program, an employee shall meet the following conditions:

- A donor or recipient shall be a full-time employee, eligible to earn leave.
- A recipient shall apply or be nominated by a fellow employee to participate in the program (A Voluntary Shared Application Form is available in the human resources office),
- A recipient shall produce medical evidence to support the need for leave beyond the available accumulated leave, and
- The President shall review the merits of the request and approve or disapprove according to the rules of this policy.

Donor Guidelines

An employee of a 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 of a community college may donate vacation or bonus leave to coworker's immediate family member who is an employee in a state agency or public school provided the employee and coworker are at the same college. An employee may donate vacation, bonus or sick leave to another employee at a community college

An employee of a community college may donate up to five days of sick leave to a non-immediate family member employee of a community college. The combined total of sick leave donated to a recipient from non-immediate family member donors shall not exceed 20 days per year as defined by local college policy. 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.

The minimum amount of sick leave or annual leave to be donated is four hours. An employee family member donating sick leave to a qualified family member under the Voluntary Shared Leave program may donate up to a maximum of 1040 hours, but may not reduce the sick leave account below 40 hours.

The maximum amount of annual leave allowed to be donated by one individual is the amount of the individual's annual accrual rate. However, the amount donated shall not reduce the donor's annual leave balance below one-half of the annual leave accrual rate. Bonus leave may be donated without regard to this limitation.

An employee may not directly or indirectly 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 annual leave under this program. Such action by an employee shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct. Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave. The employee donating may not receive remuneration for the leave donated.

References

Legal References: *1C SBCCC 200.94*

SACSCOC References: *Enter SACSCOC references here*

Cross References:

- Time Sheet Procedure
- Leave Policy
- Absence Report Procedure
- Annual Leave Procedure
- Bonus Leave Policy
- Civil Leave Policy
- Community Service Child Involvement Leave Policy
- Compensatory Leave Policy
- Educational Leave with Pay Policy
- Family Medical Leave Policy
- Leave Without Pay Policy
- Maternity Leave Policy
- Military Leave Policy
- Personal Leave Policy
- Sick Leave Policy
- Voluntary Shared Leave Program Policy

Voluntary Shared Leave Program Procedure

History

Senior Staff Review/Approval Dates: *11//6/13, 05/22/2017*

Board of Trustees Review/Approval Dates: *11//6/13, 06/06/2017*

Implementation Dates: *Enter date(s) here*