VOLUNTARY SHARED LEAVE

Purpose

This policy is designed to provide a means of continued income for Piedmont Community College employees experiencing serious and prolonged medical conditions. The policy would allow for the transfer of leave from one state employee to another only in medical situations that would otherwise cause the employee to be forced to be placed on leave without pay. Further, this policy is believed to be a humane approach for one (1) employee to assist another by allowing for the transfer or donation of leave at a critical time in one's life.

Policy

An employee may donate leave, as outlined in this policy, 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. For purposes of this policy, immediate family means the employee’s spouse, parents, children or other dependents (including step and in-law relationships). The Voluntary Shared Leave Policy is the only means by which leave may be shared or transferred among employees. The sharing of leave among employees is otherwise prohibited. The policy prohibits the banking of leave or the establishment of a leave "bank" for use by unnamed employees. Leave must be solicited as the need occurs and on an individual basis.

The Voluntary Shared Leave Policy permits the sharing of leave only in instances of medical necessity. Such medical conditions must be of a prolonged, serious, or critical nature, generally considered to be at least twenty (20) consecutive workdays. For purposes of this policy, "medical condition" means medical condition of an employee or a family member of such employee that would result in a substantial loss of income to the employee. Medical conditions or illnesses that are considered to be routine, short-term, or sporadic shall not be considered for voluntary shared leave purposes. This would include such things as short-term recurrences of chronic allergies or conditions; short-term absences due to contagious diseases; or short-term recurring medical or therapeutic treatments. This would also include recurring headaches, sinus infections, bronchitis, or similar short-term medical conditions. 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.

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 (12) months, an exception to the 20-day period may be made.

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 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.

Leave records are confidential and only individual employees may reveal their donation or receipt of leave. The employee donating leave cannot receive remuneration for the leave donated.

**Eligibility**

The employee must be one who earns benefits with the College including sick and annual leave.

Medical information is protected under the Privacy Act. The prospective voluntary shared leave participant must therefore sign a medical release form authorizing the release of necessary medical information to determine eligibility for participation in the voluntary shared leave program. This release form also authorizes the Personnel Office to solicit leave on the employee's behalf. When the Personnel Office solicits leave (if approved), only a statement that the recipient has a prolonged medical condition (or the family member) will be made unless the employee wishes to make the prolonged medical condition public and signs a Consent form to allow the status to be known. The **Voluntary Shared Leave Consent Statement** must be signed by the recipient. The employee is discouraged from soliciting their own leave.

The employee qualifies for participating in the program after exhausting all accumulated (i.e., sick, annual, bonus and compensatory) leave from their own personal account.

Requests for voluntary shared leave must be substantiated by a doctor's certificate which states specifically the nature of the illness and the anticipated length of disability. Additionally, the disabling condition must cause the employee to be absent from work a minimum of twenty (20) consecutive workdays in order to meet the definition of "prolonged".

Voluntary shared leave shall be solicited on a current/as needed basis, and may be retroactive for up to sixty (60) calendar days. Voluntary shared leave donations must be received, documented, and appropriately accounted for within thirty (30) days of the expiration of the disability. An employee whose disability ended on June 30 has until July 30 to solicit leave. The Personnel Office shall ensure the appropriate debiting and crediting of leave accounts for audit purposes. **Note: An employee who returns to**
work on a part-time, trial or rehabilitative basis may continue receiving voluntary shared leave until they are reinstated to their normal status (part or full-time), provided they are still under the care of a physician. The employee must provide documentation from their attending physician that they should return to work on a part-time, trial or rehabilitative basis. The employee ceases to qualify for voluntary shared leave upon returning to work in their normal status (part or full-time).

An employee who has a medical condition and who receives benefits from the Disability Income Plan of North Carolina (DIPNC) is not eligible to participate in the voluntary shared leave program. Voluntary shared leave, however, may be used during the required 60-day waiting period and following the waiting period provided DIPNC benefits have not begun.

An employee on workers’ compensation leave who is drawing temporary total disability compensation may be eligible to participate in this program. Voluntary shared leave may be used during the required seven (7) day waiting period.

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.

Application Procedure

The Personnel Office must receive official notification of a request to participate in the voluntary shared leave program. Such notification may come from the employee, the employee’s supervisor, or from a coworker. The Personnel Office cannot assume responsibility for initiating the request. The request form to be completed is the Request and Justification for Voluntary Shared Leave.

The Personnel Office will contact the employee to verify the validity of the request, and will inform employee of the application procedures.

All requests for voluntary shared leave must be substantiated by a doctor's certificate stating the nature of the illness and the approximate recuperation time.

The employee must sign the Voluntary Shared Leave Consent Statement authorizing the Personnel Office to solicit voluntary shared leave from other employees.

The employee will be notified by the Personnel Office of the decision to either grant or deny the request for participating in the voluntary shared leave program. There is not an outside appeal process for the decision to grant or deny voluntary shared leave.
Recipient Guidelines

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

Subject to the maximum of 1,040 hours, the number of hours of leave an employee can receive is equal to the projected recovery or treatment period, less the employee's combined annual and sick leave balance as of the beginning of the recovery or treatment period. The employee must exhaust all available leave (sick, annual, bonus and compensatory) before using donated voluntary shared leave.

Leave donated to a recipient's leave account is exempt from the maximum accumulation carry over restrictions at calendar year end.

At the expiration of the medical condition, as determined by PCC (substantiated by a doctor's certificate), unused leave in the recipient's leave account shall be returned and credited to the donor(s) on a pro rata basis according to each employee's donated leave.

If a recipient separates from PCC, participation in the program ends. Donated leave shall be returned to the donor(s) on a pro rata basis.

Donor Guidelines

A non-family member donor may contribute annual or bonus leave, but **NOT SICK LEAVE** to another employee in any state agency, community college, or public school.

An immediate family member donor of any state agency, public school system, or community college may contribute annual, bonus or sick leave to another immediate family member in any state agency, public school or community college.

To donate leave, the **Request to Donate Leave for Voluntary Shared Leave** form must be completed and forwarded to the Personnel Office.

Immediate family is defined as spouse, parent, children, brother, sister, grandparent, and grandchildren. Also included are the step, half, and in-law relationships.

The minimum amount of leave to be donated is four (4) hours.

An employee family member donating sick leave to a qualified family member under this program may donate up to a maximum of 1,040 hours, but may not reduce their sick leave account below forty (40) hours.
The maximum amount of annual leave allowed to be donated by one (1) 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 annual leave balance below one-half of the annual leave accrual rate. Participation in the program is determined by the prospective donor's leave balance as of the end of the preceding month which should also be the month for which leave was last posted by the Personnel Office.

**Example A:** An employee with five (5) but less than ten (10) years of eligible service earns 134 hours annually of annual leave. Employee may contribute four (4) or more hours, but may not reduce annual leave balance below 67 hours.

**Example B:** An employee with more than twenty (20) or more years of eligible service earns 206 hours annually of annual leave. Employee may contribute four (4) or more hours, but may not reduce annual leave balance below 103 hours.

**Accounting Procedures**

All leave donated shall be credited to the recipient’s sick leave account.

Leave transferred under this program will be available for use on a current basis or may be retroactive for up to sixty (60) calendar days to substitute for leave without pay or advanced annual or sick leave already granted to the leave recipient.
Each approved medical condition shall stand alone and donated leave not used for each approved incident shall be returned to the donors. Employees who donate "excess" annual leave (any amount above the 240 maximum allowable carryover) at the end of December may have it returned and converted to sick leave.

HISTORY NOTE: Effective August 1, 2005