

4.3 – Voluntary Shared Leave

4.3.1 **Purpose**

The purpose of voluntary shared leave is to provide economic relief for employees who are likely to suffer financial hardship because of a prolonged absence or frequent short-term absences caused by a serious medical condition.

4.3.2 **Eligibility**

Only full-time and part-time permanent employees who have exhausted all available accumulated paid leave (sick leave, annual vacation leave, and bonus leave, if applicable) are eligible to receive donated leave. An employee need not exhaust personal leave and the 20 days of extended sick leave to be eligible for voluntary shared leave. Only employees in permanent (leave earning) status can participate in the voluntary shared leave program.

An employee who is receiving benefits or is eligible to receive benefits from the Disability Income Plan is not eligible to receive donated leave. Voluntary shared leave may be used only during the required waiting period.

The superintendent shall approve or deny all requests for receipt of donated leave.

4.3.3 **Application for Voluntary Shared Leave**

An employee who, due to a serious medical condition of self or of his or her immediate family (see Section 1.1.12), faces prolonged or frequent absences from work may apply to the superintendent of the LEA for donated leave. Application may also be made by a third person acting on the employee's behalf, if the employee is unable to make application.

An employee may make application for shared leave at such time as medical evidence is available to support the need for leave beyond the employee's available accumulated leave.

The following items must be included in the application:

1. A doctor's statement, and
2. An authorization for release of medical information signed by the person who is suffering the medical condition (or parent or guardian of a minor). This release may also be signed by any legally authorized party.

4.3.4 Donation and Receipt of Leave

(a) What Immediate Family Members May Donate.

An employee of a public school system (Local Education Agency) may donate vacation/bonus or sick leave to an immediate family member, who is eligible to receive shared leave, in any public school, state agency, or community college. An eligible employee of a public school system (LEA), may receive vacation/bonus and/or sick leave from an immediate family member in any public school system, state agency, or community college. See definition of Immediate Family in Section 1.1.12.

Bonus leave may also be donated. (See Bonus Leave, Section 3.4.)

There is no provision for public school employees to donate leave to or receive leave from employees or family members in charter schools, or in county agencies of mental health, public health, social services or emergency management including those covered by the State Personnel Act.

Employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave.

Donors may not reduce their leave balance(s) below one-half of what can be earned in a year.

(b) What Non-Family Members May Donate.

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

1. An employee may donate vacation or bonus leave to an employee of the same or another LEA. (Sick leave can be donated under the provisions of 3 below.)
2. An employee may donate vacation or bonus leave to a coworker's immediate family who is an employee in a state agency or community college.
3. An employee of an LEA may donate sick leave to a nonfamily member in the same or another LEA under the following provisions:
 - i. The donor shall not donate more than five days of sick leave per year to any one nonfamily member;
 - ii. The combined total of sick leave donated to a recipient from a nonfamily member donors shall not exceed 20 days per year;

- iii. Donated sick leave shall not be used for retirement purposes,
- iv. Donors may not reduce their sick leave balances below one-half of what can be earned in a year
- v. Employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave.

There is no provision for public school employees to donate leave to or receive leave from employees in charter schools, or in county agencies of mental health, public health, social services or emergency management including those covered by the State Personnel Act.

(c) Receiving Donated Leave.

Approved LEA employees may receive sick leave from both family members and non-family in LEAs. The combined total of sick leave received from nonfamily members shall not exceed 20 days per year. Approved LEA employees may receive sick leave only from immediate family members in community college institutions and state agencies. Donated sick leave shall not be used for retirement purposes.

Approved LEA employees may receive vacation/bonus leave from employees of their own or other LEAs and from immediate family and their coworkers in community college institutions and state agencies (see Section 1.1.12).

- (d)** All leave donations must be to a designated employee approved for receipt of donated leave and may not be made to a pool or bank.
- (e)** All donations must be in writing and must be signed by the donating employee. The employee receiving the leave must be named and the amount and type of leave donated must be specified.
- (f)** For the purposes of voluntary shared leave, all leave donated will be credited to the recipient's sick leave account.
- (g)** The minimum amount of leave donated must be one-half of a day.
- (h)** The donating employee may not receive compensation in any form for the donation of leave. Local boards shall adopt policies stating that acceptance of remuneration for donated leave will result in dismissal.

4.3.5 Length of Leave

- (a) The superintendent of the LEA will determine the length of the leave. The leave granted may not exceed the maximum described below in (b). Under no circumstances may the use of voluntary shared leave exceed the employee's period of treatment and recovery.
- (b) An employee may normally receive no more than 130 workdays of donated leave, either continuously or for the same condition on a recurring basis. After 130 workdays have been used, the superintendent may extend this limit on a month-to-month basis until the maximum number of working days occurring between the first day of use of donated leave and twelve months have been used. (This provision is only available for those that are not eligible for short term disability).

4.3.6 Earning Leave While Using Voluntary Shared Leave

Holidays occurring while the employee is using donated leave will be paid. Annual vacation and sick leave will continue to be earned by the employee while he or she is using donated leave. Available earned leave accrued during this period must be used by the employee prior to continued use of any voluntary shared leave.

4.3.7 Unused Leave

At the expiration of the period approved for voluntary shared leave as determined by the superintendent of the LEA, any unused donated leave must be returned on a pro rata basis to the donors.

Legal Reference(s)

G.S. 115C-12(8)
G.S. 115C-12.2
NCSL 2010-139, HB 213