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I. PURPOSE

The Voluntary Shared Leave Program ("Program") allows a College employee to voluntarily donate a portion of their leave to a fellow College employee who, due to that employee's serious or prolonged medical condition or that employee's immediate family member's serious or prolonged medical condition, has exhausted all their bonus, annual, and sick leave and is being placed on leave-without-pay status.

Based on the rules as contained herein, College employees may participate in the Program by:

A. Donating annual, bonus or sick leave to an immediate family member in any State agency, public school or community college;

B. Donating annual or bonus leave to a coworker's immediate family member who is an employee in a State agency or public school provided the employee and coworker both work at the College;

C. Donating annual, bonus or sick leave to another employee at a North Carolina community college; and/or

D. Donating up to five (5) days of sick leave to a non-immediate family member employee at a North Carolina community college.

II. DEFINITIONS

A. **Donor**. The employee who donated leave.

B. **College Employee**. A permanent or probationary full-time employee that accrues sick and annual leave.

C. **Immediate Family Member**. A spouse, parent, child, brother, sister, grandparent, or grandchild. The term also includes the step, half, foster and in-law relationship and dependent living in the employee's household.

D. **Recipient**. The employee or the employee's immediate family who receives leave.

E. **Serious or Prolonged Medical Condition**. Serious or Prolonged Medical Condition - a medical condition of an employee or their immediate family that will require their absence from duty for a period of at least twenty (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 serious or prolonged medical condition within the last twelve (12) months, the College may make an exception to the twenty (20) day period.

III. LEAVE REASONS

A. Qualifying Reasons

To receive voluntary shared leave, a prospective recipient must have complied with existing leave rules and:

1. Have a serious and prolonged medical condition (or a member of the employee's immediate family has a medical condition that requires the employee's absence for a prolonged period);
2. Apply for or be nominated to become a recipient;
3. Produce medical evidence to support the need for leave beyond the available accumulated leave; and
4. Be approved in accordance with procedures determined by the Human Resources department.

B. Non-Qualifying Reasons

A College 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.

An employee on workers' compensation leave who is drawing temporary total disability compensation may be eligible to participate in the voluntary shared leave program. 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.

This 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, but not all inclusive. Each case, however, must be examined and decided based on its conformity to this Policy's 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.

IV. APPLICATION FOR LEAVE

A prospective recipient may apply or be nominated by a fellow employee to participate in the Program. The application may be in the form of a letter or statement to the Human Resources Department. The request must include a description of the medical condition, the estimated duration of the illness and, in most cases, a certification from a physician. After review of the current leave status and eligibility by the Director of Human Resources, the request will be presented to the President for approval.

V. LEAVE CONTRIBUTION AND DONATION

A. An employee may begin using voluntary shared leave after all available bonus, annual and sick leave has been exhausted. While using voluntary shared leave, employees continue to earn leave.

B. The amount of voluntary shared leave a recipient may receive is one thousand forty (1,040) hours per year (prorated for part-time employees), either continuously or, if for the same condition, on a recurring basis. However, the President may grant continuation, on a month-to-month basis, to a maximum of two thousand eighty (2,080) hours, if the President would have otherwise granted leave without pay.

C. A College employee donating sick leave to an immediate family member may donate up to one thousand forty (1,040) hours but may not reduce the donor's sick leave account below forty (40) hours. 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 to be donated is four (4) hours.

D. A College employee may donate up to five (5) days of sick leave to a non-immediate family member employee of a North Carolina community college per year. The combined total of sick leave donated to a recipient from non-immediate family member donors shall not exceed twenty (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. The minimum amount of sick leave to be donated is four (4) hours.

E. The minimum amount of annual and/or bonus leave that may be donated per recipient is four (4) hours per year. 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 annual leave balance below one-half of the yearly annual leave accrual rate.

    3. Bonus leave may be donated without regard to the above limitations on annual leave.

F. All leave donated shall be credited to the recipient's sick leave account and is available for use on a current basis or may be retroactive for up to sixty (60) calendar days to substitute for advanced vacation or sick leave already granted to the recipient or to substitute for leave without pay. Donated leave shall be applied to advanced leave before applying it to leave without pay.

G. To donate voluntary shared leave, a 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.

VI. UNUSED SHARED LEAVE

A. <u>End of Medical Condition</u>

Any unused leave at the expiration of the medical condition, as determined by the President, shall be treated as follows:

1. The recipient's sick leave account balance shall not exceed a total of forty (40) hours (prorated for part-time employees).

2. Any additional unused donated leave shall be returned to donor(s) on a pro-rata basis and credited to the leave account from which it was donated.

B. Separation from Service

If a recipient separates from service due to resignation, death, or retirement, 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 was donated.

C. Transfer

If a recipient transfers to another North Carolina state agency, public education system or community college, unused voluntary shared leave shall be returned to the donor(s) and credited to the same account from which it was donated.

VII. CONFIDENTIALITY

An employee's medical information is 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.

VIII. INTIMIDATION OR COERCION PROHIBITED

An employee may not intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with any right which the 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.

REFERENCES

Statutory References	N.C.G.S. § 115D-25.3, Session Law 2016-94 § 36.19
Regulatory References	1C SBCC 200.94(c), 25 NCAC 01E.1301-.1307, 25 NCAC 01E .0707
Relevant Guidance	None
Policy Manual Cross-References	Referenced by: ● Policy 3.2.4 - Leave

POLICY HISTORY

January 1, 2025	Adopted.