

VOLUNTARY SHARED LEAVE**POLICY**

The purpose of the Voluntary Shared Leave Program is to allow an employee to donate leave, as allowed in this rule, to an employee who has been approved to receive leave through the Voluntary Shared Leave Program 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.

PROCEDURES

This policy permits the sharing of vacation and sick leave only in instances of medical condition of the employee or a family member of the employee's immediate family. Such medical conditions must be of a prolonged, serious nature, likely to require an employee be absent 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, an exception to the 20 day period may be made. Exceptions will be recommended by the Human Resources Director to the President for approval.

For purposes of this policy, a medical condition is defined as, "A medical condition of an employee or their immediate family that is likely to require an employee's absence for a prolonged period and resulting in a substantial loss of income to the employee". Immediate family means:

- 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 an 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)
- Other dependents living in the employee's household.

Non-qualifying conditions: Medical conditions or illnesses that are considered to be routine, short-term, or sporadic shall not be considered for shared leave purposes (examples: short-term

recurrences of chronic allergies; short-term absences due to contagious diseases; short-term recurring medical or therapeutic treatments; recurring headaches; sinus infections; bronchitis; or similar short-term medical conditions). These examples are illustrative, not all inclusive. Each case will be examined in accordance with these procedures and a decision made with the intent of handling all requests consistently and equitably.

Qualifying to Participate in Voluntary Shared Leave Program. To participate in the Voluntary Shared Leave Program, an employee shall meet the following conditions: A donor or recipient shall have a half-time or more permanent, probationary, or time-limited appointment (The limitation and leave balance for permanent part-time employees shall be prorated); have been employed by the College for one year of continuous service.

- A recipient shall apply or be nominated by a fellow employee to participate in the program.
- A recipient shall produce medical evidence to support the need for leave beyond the available accumulated leave.
- The parent College shall review the merits of the request and approve or disapprove according to the Policy.
- Employees qualify for participation in the program after exhausting all accumulated sick and annual leave from his/her own personal leave accounts.

Responsibilities

The Director of Human Resources is responsible for coordinating administration of shared leave procedures and for working with employees to ensure that the procedures are followed.

Full-time and regular part-time employees are responsible for being familiar with shared leave procedures; for submitting requests for shared leave to the Director of Human Resources when applying as a recipient or donor.

The Director of Fiscal Services will be responsible for ensuring that appropriate debiting and crediting of leave accounts is recorded for audit purposes.

Every effort will be made to administer this program in a manner that is fair and equitable to all eligible employees. No employee may directly or indirectly intimidate, threaten, or coerce any other employee with respect to donating, receiving or using leave under this program. No employee may offer or receive financial or any other remuneration for leave donated. Such action by an employee shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct.

All information regarding the donor and recipient will be confidential, except that information which is needed in order for the Director of Human Resources to solicit donations of leave. The employee may elect to have his/her name shared with employees when leave is requested by Human Resources.

Annual leave may be donated only to the sick leave account of a fellow employee. Donations of annual leave for annual leave purposes are prohibited. State 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.

1. FMLA paperwork is to be completed by the employee and the appropriate physician certifying the illness. The completed form is to be submitted to the Human Resource Director who will approve or disapprove the form and notify the President. Medical information is protected under the Privacy Act.
2. The request form also includes authorization for the Director of Human Resources to solicit leave on the employee's behalf and should be signed by the employee. The employee is prohibited from soliciting his/her own leave.
3. Requests for shared leave must be substantiated by a doctor's certification which states specifically the anticipated length of the prolonged medical condition. Information provided by the physician will be maintained in the strictest confidence. Additionally, the disabling condition must cause the employee to be absent from work a minimum of 20 consecutive workdays in order to meet the definition of "prolonged."
4. Shared leave shall be solicited on a current/as-needed basis, and may be retroactive for up to 60 calendar days. Shared leave donations must be received, documented, and appropriately accounted for within 30 days of the expiration of the disability.

An employee who returns to work on a part-time, trial, or rehabilitative basis may continue receiving shared leave until he/she is reinstated on a full-time basis, provided he/she is still under the care of a physician. The employee ceases to qualify for shared leave upon returning to work on a full-time basis. The employee must provide documentation from his attending physician that he/she should return to work on a part-time or full-time basis.

5. An employee who receives benefits from the Disability Income Plan of North Carolina is not eligible to participate in the shared leave program. Shared leave, however, may be used during the required 60-day waiting period and following the waiting period provided the Disability Income Plan benefits have not begun.
6. An employee on Worker's 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 Worker's Compensation program would be limited to use with the supplemental leave schedule.
7. Participation in the voluntary shared leave 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, the President may grant an employee continuation in the program, month

by month, for a maximum of 2,080 hours if the employee would otherwise have been granted leave without pay.

8. 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 vacation and sick leave balance as of the beginning of the recovery or treatment period. The employee must exhaust all available sick and annual leave before using donated shared leave.
9. Leave donated to a recipient's leave account is exempt from the maximum accumulation carry-over restrictions at fiscal year-end.
10. At the expiration of the medical condition, as determined by the Director of Human Resources (substantiated by a doctor's statement), unused leave in the recipient's leave account shall be returned to the donor.
11. If a recipient separates from Brunswick Community College employment, participation in the program ends, unused balance of donated leave shall be returned to the donor.

Donor Guidelines

1. Donation of Shared Leave form, is the form to be completed by employees who wish to donate leave. This form should be completed and submitted to the Human Resources Office.
2. The minimum amount of leave that can be donated is four hours.
3. 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 a 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.
4. 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.
5. The minimum amount of sick leave or vacation leave to be donated is four hours. An employee family member donating sick leave to a qualified immediate 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.

6. 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 annual leave balance below one-half of the annual leave accrual rate. Bonus leave may be donated without regard to this limitation.

Example: An employee earns 120 hours of annual leave annually. Employee may contribute four or more hours but may not reduce vacation leave balance below 60 hours.

Accounting Procedures

1. The Vice President of Business and Finance shall establish a system of leave accountability which will accurately record leave donations and recipients' use. Such accounts shall provide a clear and accurate record for financial and management audit purposes. All records pertaining to granting and receiving shared leave are subject to audit.
2. Withdrawals from a recipient's leave account will be charged to the recipient's account according to the usual leave policies.
3. Leave transferred under this program may be retroactive for up to 60 calendar days to substitute for without pay or advanced sick leave already granted to the leave recipient.
4. 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" leave (any amount above the 240 maximum allowable carry over) at the end of June may have it returned and converted to sick leave.
5. Donated leave will be credited to the recipient's sick leave account on an as needed basis. Donated leave will be deducted from the donor's account as needed by the recipient.

Approved by the Brunswick Community College Board of Trustees
October 19, 2017