

**Policy 1328
Leave Sharing**

**Date of Current Revision: February 2008
Responsible Office: Director, Human Resources**

1. PURPOSE

It is the Commonwealth's objective to allow employees to participate in a leave-sharing program. This policy represents the university's participation in this objective. It is designed to permit a classified employee to donate annual leave to another classified employee who may need additional leave as a result of a qualifying illness or accident.

2. AUTHORITY

This policy is in compliance with the Virginia Department of Human Resources Management pursuant to the authority provided in Virginia Code Title 2.2, Chapter 12, sections 2.2-1200 et seq. Additional Commonwealth policies that inform this university policy include: DHRM Policy 4.35, Leave Sharing; DHRM Policy 4.55, Sick Leave; and DHRM Policy 4.57, the Virginia Sickness and Disability Program.

3. DEFINITIONS

Leave Sharing:

The exchange of leave from one classified state employee to another for specific reasons and under specific circumstances.

Virginia Sickness and Disability Program (VSDP):

A program that provides various sickness and disability-related benefits to eligible Commonwealth employees as described in DHRM Policy 4.57.

4. APPLICABILITY

This policy is applicable to all full-time classified employees and all part-time classified employees who accrue leave and employees enrolled in VSDP if the employee experiences an approved leave without pay due to a family member's illness or injury for which the employee is using Family and Medical Leave.

An employee who has met all the criteria in order to receive leave sharing donations and is able to return to work on a part time basis may continue to receive donated hours to cover the hours he/she is unable to work. The cause of the on going absence must be for the same medical condition for which the employee had originally qualified for leave sharing.

5. POLICY

Under the circumstances described below, the university will allow employees to share leave from existing leave balances.

Eligible employees not covered under the Virginia Sickness & Disability Program may request donated leave as described in this policy if the employee:

1. Experiences leave without pay due to a personal illness or injury, or
2. Experiences leave without pay due to a family member's illness or injury for which the employee is using Family and Medical Leave.

6. PROCEDURES

6.1 Donations to recipients shall be in the form of annual leave only.

6.2 Leave may be shared intra-agency. In addition, donations may be accepted from employees of other Executive Branch agencies.

6.3 Donors do not have to retain minimum balances of personal sick or annual leave, nor is there a limit on how many hours of annual leave they may donate.

6.4 Donations to a recipient shall be made in eight-hour increments.

6.5 Eligible recipients shall not be required to reimburse leave hours donated to them unless compensation is received from another source for the same period of time the employee received leave sharing hours, such as when monies are received from the leave share program and subsequently workers' compensation benefits are received retroactively for the same period of time. If repayment is required, leave payment shall be made at the current salary rate of the recipient, not the donor. Reimbursed leave hours will be returned to the original donor(s).

6.6 Donors shall complete a Donor Form when contributing leave and submit it to Human Resources.

6.7 Leave donations can be reclaimed by the donor only if the Donor Form has not yet been processed.

6.8 Direct share hours will be prorated for part-time classified employees (e.g., if a classified part-time employee who works 20 hours per week receives 60 hours of donated leave, the donated leave will be paid to that employee at a rate of 20 hours per week).

6.9 Employees wishing to receive leave must initiate such requests by contacting Human Resources. Human Resources will then communicate the request to all potential donors, but will not reveal the identity of the requesting employee unless the employee gives his/her permission. In the event that an employee is physically or mentally unable to initiate a request through Human Resources, a family member or the supervisor may file the request.

6.10 For all purposes other than the receipt of salary, employees receiving donations through the Leave Sharing Policy shall be considered on leave without pay status (e.g., no accrual of annual or sick leave).

6.11 Recipients shall have no balance of personal leave (annual, sick, compensatory) and shall have been placed on official leave without pay.

6.12 Use of leave under the program shall be for medical conditions defined as follows:

- Any illness or injury that is certified by a physician and that requires medical attention and all leave balances have been exhausted. (See Section 9 for those medical conditions for which leave may not be donated.)
- It is the responsibility of the employee to provide the required certification from a physician. The university has the option of selecting an additional physician to render a second evaluation and certification. Such certification will be at the university's expense. However, if the two physicians disagree whether a medical condition exists, it is within the sole discretion of the university to determine which opinion prevails.

7. RESPONSIBILITIES

An eligible employee is responsible for requesting donated leave by contacting the Human Resources Benefits Team.

Donor employees are responsible for initiating the offer to donate leave by completing a leave donor form.

The Human Resources Benefits Team is responsible for coordinating the exchange of leave through this program.

8. SANCTIONS

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

9. EXCLUSIONS

9.1 Medical conditions resulting from the following will be excluded from eligibility for leave sharing benefits:

- Any occupationally-related accident or illness for the period for which Workers' Compensation benefits have been awarded:
- Intentionally self-inflicted injuries;
- Injuries occurring in the course of violating a law.

9.2 Employees are ineligible to use donated leave during the period of any disciplinary suspensions.

9.3 Wage employees and members of the instructional or administrative & professional faculty are not included in this policy.

9.4 Employees enrolled in VSDP may request donated annual leave as described in this policy if the employee experiences an official leave without pay due to a family member's illness or injury for which the employee is using Family and Medical Leave.

10. INTERPRETATION

The authority to interpret this policy rests with the President, and is generally delegated to the Director of Human Resources.

Previous Version: April, 2006

Approved by the President: April, 2002

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