



Town of Southern Shores

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Voluntary Shared Leave Policy

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. A serious medical condition is defined by FMLA standards as an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice, or residential medical care facility, or that involves continuing treatment by a health care provider.

2. Eligibility

Only permanent employees who have exhausted all accumulated paid leave (sick leave and annual leave, if applicable) and compensatory time are eligible to receive donated leave. The employee must have been employed by the Town of Southern Shores for at least 12 consecutive months before they may receive any shared leave. The employee must need and request a minimum of 80 hours of voluntary shared leave hours.

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

3. Application for Voluntary Shared Leave

An employee who, due to their own serious medical condition or one of his/her immediate family, faces prolonged or frequent absences from work may apply to their Department Head for donated leave. Application may also be made by a third person acting on the employees' behalf if the employee is unable to make application. The application will be reviewed by the Department Head who shall then forward the application along with a recommendation to approve or deny the request to the Town Manager. The Town Manager will then decide whether to approve or deny the application. If approved, then the application will be forwarded to the Human Resources Office for processing.

Immediate family as defined for receipt for Voluntary Shared Leave includes only the employee's

1. Spouse
2. Children
3. Parents
4. Dependents living in the employee's household. Also included are the step relationships for children and parents.

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 certifying the serious medical condition and the need for prolonged or frequent absence from work due to said condition;
2. The expected duration of the need for leave;
3. 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.); and
4. Sufficient information to demonstrate that the requested leave satisfies all other requirements of this Shared Leave Policy.

The fact that the applicant has a need for voluntary shared leave hours will be made known through system-wide communications by the Human Resources Director. Only general information will be supplied about the applicant's condition. A Leave Donation Form must be submitted to Human Resources by each employee desiring to donate leave in order to enter the donor's information into the shared leave tracking system. Then, the leave balance of the donating employee and the recipient will be adjusted. Donated leave is taxable to the recipient. The dollar amount of any donated leave will be included on the recipient's W-2 as income.

4. Donation of Leave

- (a) To be eligible to donate vacation leave, the employee who donates leave must have more than ten (10) days of accrued leave. In no event shall a leave transfer result in the donor employee reducing his/her vacation leave balance to less than ten (10) days.
- (b) To be eligible to donate sick leave, the employee who donates leave must have more than thirty (30) days of accrued leave. In no event shall a leave transfer result in the donor employee reducing his/her sick leave balance to less than thirty (30) days.
- (c) To be eligible to donate any form of leave, the donating employee must have been employed by the Town of Southern Shores for at least one year before the donation.
- (d) All leave donations must be to a designated employee approved by the Town Manager 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 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) Transfer of leave will be in increments of one day of leave.
- (h) All donations of leave are strictly voluntary. The donating employee may not receive compensation in any form for the donating of leave. Acceptance of remuneration for donated leave will result in dismissal. Solicitation is not permitted.
- (i) Leave sharing shall only be considered for extreme hardship or catastrophic situations.
- (j) An employee may not file a grievance or an employee appeal if their request to receive leave or donate leave is denied. The Town Manager will render a final decision based upon the merits and circumstances of each request.
- (k) The employee receiving donated time will be given information on the amount of time donated, but will not receive information such as the names of donating employees. Leave time will be donated to the employee anonymously.
- (l) The employee donating leave must be in a leave earning position.
- (m) No one may directly or indirectly make any attempt to intimidate, threaten, or coerce any other employee for the purpose of soliciting leave. Such action will be considered a personal conduct issue and subject the employee to disciplinary action, up to and including dismissal.

5. Length of Leave

The maximum amount of Voluntary Shared Leave hours that a person could receive is 450 hours per 12-month period.

6. Earning Leave While Using Voluntary Shared Leave

Holidays occurring while the employee is using donated leave will be paid. Annual and sick leave will continue to be earned by the employee when 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.

7. Unused Leave

In the event that the beneficiary should die or is separated from employment prior to exhausting all of the donated leave, the unused balance of the leave will be returned to qualifying employee donor(s). In the event that more leave is donated than is used, the balance will be returned to qualifying employee donor(s).

Qualifying employee donor(s) for return of unused shared leave will be determined by matching the total used shared leave hours with the chronological point in the shared leave tracking system where the same amount of hours is

located. Employee donors that fall within the total used shared leave hours will be disqualified from receiving returned unused shared leave.

Only those employee donors whose donated leave hours have not been used as documented in the shared leave tracking system will be eligible to receive returned unused shared leave to their leave accounts from which the leave was taken.

8. Return to Work

1. An employee should notify the supervisor immediately in writing if he/she will not be returning from leave as planned.
2. During the period of leave, an employee who is out on approved shared leave is expected to report to their supervisor every pay period to ensure proper completion of timesheets.
3. Failure to report back to work at the end of the scheduled leave may be considered a voluntary resignation. If deemed necessary, the Department Head, Town Manager or designee, may revoke continuation of any previously approved shared leave.
4. A Medical Leave – Return to Work Form must be submitted to the supervisor when the employee returns to work to certify the employee is able to return to work and perform the essential functions of the position.
5. If a shared leave recipient leaves employment, shared leave ends as of the separation date.

Adopted: November 12, 2024

