



# CITY OF KINSTON

## Personnel Policy

Subject:  Shared Leave	Section: Holiday/Leave/Longevity		Review Responsibility: Director of Human Resources		
	Policy #: 3	Effective Date: 8/01/2016	Rev. #: 2	Revision Date: 7/31/2016	Page: 1 of 5
	Supersedes: 1/01/2011	Prepared By: Gloria Blake <i>Gloria Blake</i>	Approved By: Tony Sears <i>Tony Sears</i>		

### 1.0 Purpose

To establish guidelines for employees to receive and donate leave when all requirements have been met.

### 2.0 Organizations Affected

All full-time regular City employees in all departments

### 3.0 Policy

The City of Kinston allows for the receipt and donation of leave by employees for qualifying events or issues approved by the City Manager or his/her designee.

### 4.0 Definitions

#### 4.1 Immediate Family

- A. Spouse – Husband or wife
- B. Parent – Biological, adoptive, step, in-law, or in loco parentis
- C. Child – Biological, adoptive, foster, step, in-law or in loco parentis
- D. Brother/Sister – Biological, adoptive, step, half, or in-law.
- E. Grand/Great – Parent, child, step, or in-law

4.2 Donor – An employee who voluntarily donates leave to a qualifying employee.

4.3 Recipient – An employee or the employee's immediate family who receives the donated leave.

4.4 Prolonged Period of Time – 10 consecutive workdays (80 hours)

### 5.0 Responsibility

5.1 It is the employee's responsibility to initiate the proper notification and paperwork for the process.

5.2 It is the City Manager's responsibility to approve or deny the request.

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## 6.0 Procedure

### 6.1 General

- A. An employee may donate leave, as outlined herein to an employee who has been approved to receive voluntary shared leave because of a medical condition of the employee or a member of the employee's immediate family and will require the employee's absence for a prolonged period of time.
- B. A full-time employee with a status of regular, probationary, trainee or time-limited is eligible for Shared Leave.
- C. If an employee or the employee's child, parent or spouse has a serious illness that qualifies under the Family and Medical Leave Act (FMLA), the provisions of that policy shall be followed. If the illness does not qualify for FMLA, the provisions of the Leave Without Pay policy shall be followed.
- D. Prior to receiving Shared Leave, an employee must request and be granted eighty (80) hours of advanced leave. This request shall be in writing using the Advanced/Shared Leave Request Form.
- E. To request Advanced and Shared Leave, the employee must provide a doctor's note requiring the employee to be out of work eighty (80) or more consecutive work hours. The employee shall forward the doctor's note and the Advanced/Shared Leave Request Form to the Occupational Health Nurse. The City Health Nurse will sign the Advanced/Shared Leave Request Form and forward through the chain of command to the City Manager for consideration.

### 6.2 Exception to the 10-day (80 hours) period

- 6.2.1 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 twelve months, the City Manager or designee may make an exception to the ten (80 hours) consecutive work days requirement.

### 6.3 Intimidation or Coercion Prohibited

- 6.3.1 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 such employee may have with respect of donating, receiving, or using leave under this program. Such action shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct.

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#### 6.4 Qualifying to Receive Leave

- A. In order to receive voluntary shared leave, an employee (see definition of Recipient) must have complied with existing leave rules and have one full year of continuous service, occupy a regular budgeted position, have a 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 or repeated period of time), apply for, produce a doctor's note to support the need for leave beyond the available accumulated leave, and be approved by the City manager or designee to participate in the program.
- B. Voluntary Shared Leave would not normally be available for an employee with a Workers Compensation injury since compensation wages are payable for all lost time over seven days following an accident on the job. If there is a significant delay over 10 days (80 hours) in Workers Compensation benefits being awarded, or if benefits are denied, the employee may be eligible to apply for Voluntary Shared Leave within the established guidelines, and subject to Worker's Compensation limitations

#### 6.5 Eligibility to Donate Shared Leave

- A. To be eligible to donate leave employees must have one full year of continuous service, occupy a regular budgeted position and be able to maintain a minimum balance of 40 hours through both accrued, but unused sick and vacation or compensatory leave time at the time of contribution to voluntary Shared Leave.

#### 6.6 Application Procedure

- A. A prospective recipient shall apply or be nominated by a department head to participate in the program. An Advanced/Shared Leave Request form shall be submitted to the Occupational Health Nurse with the doctor's note and then forwarded through the chain of command to the City Manager or his/her designee.
- B. The City Manager or designee shall review the merits of the request and approve or disapprove the request.

#### 6.7 Effective Date of Shared Leave

- A. An employee may begin using voluntary shared leave after all available sick and vacation leave has been exhausted. While using voluntary shared leave, the employee continues to earn leave.

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#### 6.8 Maximum Leave Allowed

- A. The amount of leave a recipient may receive is 240 hours in a twenty-four (24) month period.

#### 6.9 Maximum Vacation/Sick Time Donation Allowed

- A. The minimum amount of leave that may be donated is four hours. Donors may use Vacation Leave for 100% of their donation as long as the donation does not exceed 50% of their Vacation Leave accrual rate. Donors may also use a combination of Vacation and Sick Leave up to 50% of the accrual rate in each category as long as the ratio does not exceed two hours of Vacation Leave for every two hours of Sick Leave. (Example: If you want to donate five (5) hours of Sick Leave, you must match it with five (5) hours of Vacation Leave.) It is a one-to-one ration when using Sick Leave.
- B. The maximum amount of vacation leave that may be donated is 120 hours, but must not reduce the donor's vacation leave balance below one-half of the annual vacation leave accrual rate. (Example: Employee with 5 years but less than 10 years of total service earns 120 hours annually. Employee may not reduce vacation leave balance below 60 hours.)

#### 6.10 Unused Leave

- A. Any unused leave at the expiration of the medical condition shall be treated as follows: The recipient's sick leave account balance shall not exceed a total of 40 hours. Any additional unused donated leave shall be returned to active (working or on leave without pay) donor(s) on a prorated basis and credited to the leave account from which it was donated.
- B. If a recipient separates due to resignation, death, or retirement from city government, participation in the program ends. Unused leave shall be returned to the donor(s) on a prorated basis and credited to the same account from which it originally came.
- C. If a recipient transfers to another Local Government or State agency, unused voluntary shared leave shall be returned to the donors. The employee must make a new request in the receiving agency.

#### 6.11 Confidentiality (HIPPA)

- A. The Health Insurance Portability and Accountability Act makes medical information 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.

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#### 6.12 Leave Records and Accounting

- A. The City shall establish a system of leave accountability which provides a clear and accurate record for financial management audit purposes
- B. Names of employees donating leave shall be kept confidential by the City. Leave donated will be credited to the recipient's sick leave account, charged according to the Sick Leave Policy, and is available for use on a current basis.

#### 6.13 Forms

Advanced/Shared Leave Request Form -Appendix A

Donated Leave Transfer Form -Appendix B