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**Subject: Leave Sharing Guidelines**

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## **1. Policy**

The purpose is to provide additional guidelines for participation in the Leave Sharing Program at Virginia Tech that is modeled after the Department of Human Resource Management Leave Sharing, Policy 4.35 (<http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/4-35---leave-sharing-update.pdf?sfvrsn=0>). This program allows salaried staff (classified staff and university staff) and regular salaried faculty to donate their annual leave to other full- or part-time salaried staff employees who have exhausted their leave balances because of personal illness or accident and who are in a leave-without-pay status.

### **1.1 Donor Guidelines**

#### **1.1.1 Eligibility**

Salaried full- and part-time staff employees and regular 12-month faculty are eligible to donate annual leave hours to the *Leave Sharing Program*. Faculty members in *restricted appointments* are not eligible.

Retroactive donations will be accepted until the end of the *first full pay period* after the recipient has returned to work. Leave donations received after the employee's eligibility status changes will be returned to the donor in accordance with established Human Resources procedures.

#### **1.1.2 Leave Balance of Donor**

Donors are not required to maintain a minimum balance of sick or annual leave in order to share their annual leave.

### 1.1.3 Maximum Donation by Donor

There is no maximum number of hours that can be donated; however, donations to recipients must be in the form of annual leave only and in increments of eight hours.

### 1.1.4 Donations by Family Members or Employees of Other State Agencies

Leave donations should normally be shared internally at Virginia Tech; however, a family member employed in one state agency may donate to an immediate family member (spouse, parents/step-parents, siblings/step-siblings and children/step-children) in another state agency.

## 1.2 Recipient Guidelines

### 1.2.1 Eligibility

Under state policy, only full- and part-time salaried classified employees are eligible to be recipients; university staff will be covered under the same provisions as classified employees. Staff employees in the Virginia Sickness and Disability Program (VSDP) receive program benefits for personal injury or illness and, therefore, are not eligible for leave donations for these reasons. However, staff employees in VSDP may request leave sharing if the employee experiences leave without pay due to a family member's illness or injury for which the employee is currently using approved Family Medical Leave (See Family Medical Leave Act resources on the Human Resources Leave website: <http://www.hr.vt.edu/benefits/leave/fmla/index.html>).

Employees are ineligible to use the *Leave Sharing Program* during any period of disciplinary suspension.

### 1.2.2 Application for Leave Donations

Any one of the following procedures may be used to apply for leave donations:

1. The employee must complete and submit the Leave Sharing Recipient Form P6 (<http://www.hr.vt.edu/forms/>) to Human Resources.
2. In cases where the employee may be unable to complete the application, a family member or the department head may fill out the required paperwork.
3. At the time the department submits paperwork to Human Resources placing the employee on leave-without-pay, the category of *Employee wishes to apply for Leave Sharing* should be checked on the Leave of Absence Without Pay Form P4B (<http://www.hr.vt.edu/forms/>).

### 1.2.3 Medical Certification

It is the responsibility of the recipient to obtain the required medical certification. If a department requests, Human Resources may select another physician and require a second medical certification with the home department of the recipient covering the cost. If the two physician reports contradict on whether a medical condition exists, it is within the discretion of Human Resources to determine which opinion prevails.

### 1.2.4 Accrued Leave Balances

To be eligible for the *Leave Sharing Program*, recipients must have exhausted all leave balances.

### 1.2.5 Required Waiting Period

Under the *Leave Sharing Policy*, the employee must be on leave-without-pay for 10 consecutive workdays (80 hours); this time is considered as a waiting period. Employees in any leave-without-pay status do not earn leave or

holiday pay. To be eligible to receive annual leave from a donor, the employee must have been in a leave-without-pay status for ten consecutive workdays (80 hours) per medical condition per 365-day period.

A department has the prerogative to ask Human Resources **to pay** the recipient retroactive to the initial leave-without-pay date using donor hours.

### 1.2.6 Reimbursement of Hours Donated

Eligible recipients are not required to reimburse the donor leave hours donated unless:

- abuse has been determined by the department head and/or Human Resources, or
- compensation is received for the same period of time from Workers' Compensation, Service Retirement or state Disability Retirement.

If repayment is required, the leave payment must be paid at **the rate paid to the recipient**. All reimbursed leave hours will be returned to the original donor(s); if the donor is no longer a state employee, the hours will be forfeited.

### 1.2.7 Exclusions

Medical conditions of the employee will be excluded from eligibility for leave sharing benefits if they result from:

- any occupational-related accident or illness warranting Workers' Compensation payment;
- intentionally self-inflicted injuries, except as a result of conditions that qualify under ADAAA; or
- injuries occurring in the course of committing a felony assault.

Medical conditions of the family member will be excluded from eligibility for leave sharing benefits if they result from:

- intentionally self-inflicted injuries, except as a result of conditions that qualify under ADAAA; or
- injuries occurring in the course of committing a felony assault.

## 2. Procedures

### 2.1 Solicitation of Annual Leave Hours

#### 2.1.1 Authorized Solicitation

At the time of application, all transactions, record keeping and solicitation must be managed only by the *Leave Sharing Administrator* in Human Resources. Employees, department members, and family members may not solicit leave from others except from their immediate family members (spouse, parents/step-parents, siblings/step-siblings and children/step-children).

#### 2.1.2 Unauthorized Solicitation

Requests for donations other than from the *Leave Sharing Administrator* are considered unauthorized solicitations, which is an abuse of the *Leave Sharing Program*. It is also a violation of state and university policy and could result in the loss of an employee's participation in the program.

The Leave Sharing Recipient Form P-6 and the Leave Sharing Donor Form P-6A may be obtained from the Human Resources website at <http://www.apps.hr.vt.edu/forms/>.

### **3. Definitions**

**Authorized Solicitation:** The official announcement requesting leave donations from the university community by the Human Resources Leave Administrator for an approved recipient.

**Leave-Without-Pay Status:** An employee's approved absence from work without pay, such as leave-without-pay for ill health or *Family and Medical Leave* for personal illness.

**Medical Condition:** Any illness or injury which, as certified by a physician, requires medical attention and requires an employee's absence without pay for a period of at least ten consecutive workdays (80 hours) after all leave balances have been exhausted.

**Staff:** Defined as salaried non-faculty employees, and includes classified staff and university staff. Effective July 1, 2006, the university will have two groups of salaried non-faculty employees: those covered by the Virginia Personnel Act and State Human Resource policies (classified staff) and those covered under university Human Resource policies (university staff). All new salaried non-faculty staff, including transfers from other state agencies, hired on or after July 1, 2006, are hired as university staff and will be covered under university Human Resource policies.

**Unauthorized Solicitation:** Any verbal or written request by an employee (or family or department member) to other employees of Virginia Tech asking them to donate leave on behalf of the employee who is an approved recipient of the *Leave Sharing Program*.

### **4. References**

University Policy 4010, Policies Governing University Staff  
<http://www.policies.vt.edu/4010.pdf>

### **5. Approval and Revisions**

Approved May 12, 1998, by Executive Vice President, Minnis E. Ridenour.

- Revision 1

Section 2.1. Clarification of how long retroactive donations will be accepted by stating *until the end of the first full pay period* after the recipient returns to work.

Section 2.1.1. Employees enrolled in the *Sickness and Disability Program*, effective January 1, 1999, are not eligible to participate in the *Leave Sharing Program* as a recipient. They may however, donate their annual leave to recipients.

Section 2.2.2. Clarification and itemization of the various procedures used to apply for leave sharing.

Approved February 3, 1999, by Director of Personnel Services, Linda Woodard.

October 10, 2001: Technical corrections to update policy links and name change for the Commonwealth of Virginia's Department of Human Resource Management (formerly Department of Personnel and Training).

- Revision 2

Minor language clarifications throughout policy.

Approved April 1, 2002 by Vice President for Budget and Financial Management, M. Dwight Shelton, Jr.

- Revision 3

Eligibility donor (Section 2.1.1) and recipient (Section 2.2.1) guidelines updated.

Approved January 13, 2005 by Vice President for Business Affairs, Kurt J. Krause.

- Revision 4

September 1, 2006 – Technical revisions to include University Staff in accordance with resolution approved by the Virginia Tech Board of Visitors June 12, 2006 to cover University Staff under identical to the current human resources policies until the new human resources system is developed.

Annual review June 1, 2010 by Vice President for Administrative Services, Sherwood G. Wilson. No revisions.

- Revision 5

Technical updates to references and formatting.

Added section 1.2.7 detailing Exclusions and removed this section from the Definitions section.

Approved January 3, 2017 by Vice President for Administration, Sherwood G. Wilson.