

Leave Share Guidelines

PURPOSE

The VCU Leave Share Program allows employees to donate leave to fellow employees who need additional leave coverage for *personal* medical conditions or for *family members'* medical conditions when using approved Family and Medical Leave under the Family and Medical Leave Act (FMLA). A personal medical condition is described as an illness or injury certified by a physician as requiring medical attention.

ELIGIBILITY and CRITERIA

VCU full- and part-time classified staff and 12-month faculty are eligible to donate and receive leave under the University's Leave Share Program according to the following conditions:

- Participants in the Virginia Sickness and Disability Program (VSDP) may donate leave.
 - VSDP participants *are not eligible* to receive leave share donations to cover absences for *personal* medical conditions because the VSDP provides this coverage.
 - VSDP participants *are eligible* to receive leave share donations to cover absences for *family members'* medical conditions if they are using approved Family and Medical Leave under the Family and Medical Leave Act (FMLA).
- Leave share hours are pro-rated for part-time employees (e.g., if a part-time employee who works 20 hours a week receives 40 hours of donated leave, the donated leave will be paid to the employee at a rate of 20 hours a week).
- In most instances, leave may be donated to a family member employed at another state agency (details available from the Leave Share Administrator).
- Leave is donated to recipients only after all leave balances (annual, sick, compensatory, and holiday) have been exhausted.
- Leave share recipients must have been placed on leave without pay for 10 consecutive work days (80 hours) for each personal medical condition occurring in a 365-day period. For example, kidney disease is considered one medical condition even though the condition may be "chronic" (on-going) requiring frequent dialysis.
- While on leave without pay status, employees receiving donations through the Leave Share Program do not accrue annual or sick leave.

DONOR PROCEDURES

The University's Leave Share Program follows these donor procedures:

- Donations are made in eight-hour increments of *annual* leave using a Leave Share Donor Form. Annual leave that will be "lost" at the end of each calendar year may be donated.
- Donations can be made to a specific employee or to the Leave Pool.
- Donor leave may be reclaimed only if the donor form has not been processed.

RECIPIENT PROCEDURES

To request donated leave, the employee completes the Leave Share Recipient Application form with the supervisor's signature to indicate awareness of the request. The application must include a physician's certification of the medical condition with an expected return-to-work date.

- If the employee stays out longer than specified by the physician's certification for return to work, leave share donations **will cease** (unless a new doctor's certification is provided with an extended return-to-work date).
- An employee who is a maternity patient may apply for leave share donations for the period covered by a doctor's certification as medically necessary.
- A second physician's certification may be required at the agency's choice and expense. VCU Human Resources will determine the prevailing opinion if the two physicians disagree on the employee's medical condition.

Eligible recipients are not required to reimburse donated leave hours except in the following conditions:

- The employee receives compensation from another source for the same period of time that leave share hours were received (for example, monies are received from the Leave Share Program and workers' compensation benefits are received retroactively for the same period of time).
- It is determined that abuse has occurred, which may result in disciplinary action.

Following are the procedures to reimburse donated leave:

- Repayment of donated leave is made at the recipient's (not donor's) current pay rate.
- Reimbursed leave hours will be returned to the original donor(s).

When donated leave is exhausted, the leave share recipient may receive a maximum of 80 hours of leave (if available) from the Leave Pool.

EXCLUSIONS

Medical conditions resulting from the following actions are excluded from eligibility for leave share benefits:

- any occupational-related accident or illness for the period in which workers' compensation benefits have been awarded;
- injuries that are intentionally self-inflicted; or
- injuries occurring in the course of committing a felony or assault.

Employees may not use donated leave during the period of any disciplinary suspension.

ADMINISTRATION

VCU Human Resources administers the University's Leave Share Program. For more information and forms, visit the HR website at <http://www.vcu.edu/hr/leave/index.htm>. E-mail leave@vcu.edu or call 828-1712 with questions.