

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 213  
Committee Substitute Favorable 5/4/09  
Committee Substitute #2 Favorable 5/12/09  
Senate Education/Higher Education Committee Substitute Adopted 6/30/10

Short Title: VSL Nonfamily Sick Leave Donations.

(Public)

Sponsors:

Referred to:

February 19, 2009

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE ADOPTION OF RULES AND POLICIES FOR THE VOLUNTARY SHARED LEAVE PROGRAM THAT WILL PERMIT THE DONATION OF SICK LEAVE TO A NONFAMILY MEMBER RECIPIENT FOR STATE EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT AND FOR PUBLIC SCHOOL EMPLOYEES, AND TO REQUIRE THE STATE PERSONNEL COMMISSION, THE STATE BOARD OF EDUCATION, AND THE STATE BOARD OF COMMUNITY COLLEGES TO MAKE AN ANNUAL REPORT ON THE VOLUNTARY SHARED LEAVE PROGRAM.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 126-8.3 reads as rewritten:

**"§ 126-8.3. Voluntary shared leave.**

(a) The State Personnel Commission, in cooperation with the State Board of Community Colleges and the State Board of Education, shall adopt rules and policies to allow any employee at a State agency to share leave voluntarily with an immediate family member who is an employee of a State agency, community college, or public school; and with a coworker's immediate family member who is an employee of a State agency, community college, or public school. For the purposes of this section, the term "immediate family member" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. The term "coworker" means that the employee donating the leave is employed by the same agency, department, institution, university, local school administrative unit, or community college as the employee whose immediate family member is receiving the leave.

(b) The State Personnel Commission shall adopt rules and policies for the voluntary shared leave program to allow an employee at a State agency to donate sick leave to a nonfamily member employee of a State agency. A donor of sick leave to a nonfamily member recipient shall not donate more than five days of sick leave per year to any one nonfamily member recipient. The combined total of sick leave donated to a recipient from nonfamily member donors shall not exceed 20 days per year. Donated sick leave shall not be used for retirement purposes, and employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave."

**SECTION 2.** G.S. 115C-12.2 reads as rewritten:

**"§ 115C-12.2. Voluntary shared leave.**

(a) The State Board of Education, in cooperation with the State Board of Community Colleges and the State Personnel Commission, shall adopt rules and policies to allow any



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1 employee at a public school to share leave voluntarily with an immediate family member who  
2 is an employee of a public school, community college, or State agency; and with a coworker's  
3 immediate family member who is an employee of a public school, community college, or State  
4 agency. For the purposes of this section, the term "immediate family member" means a spouse,  
5 parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and  
6 in-law relationships. The term "coworker" means that the employee donating the leave is  
7 employed by the same agency, department, institution, university, local school administrative  
8 unit, or community college as the employee whose immediate family member is receiving the  
9 leave.

10 (b) The State Board of Education shall adopt rules and policies for the voluntary shared  
11 leave program to allow an employee at a public school to donate sick leave to a nonfamily  
12 member employee of a public school. A donor of sick leave to a nonfamily member recipient  
13 shall not donate more than five days of sick leave per year to any one nonfamily member  
14 recipient. The combined total of sick leave donated to a recipient from nonfamily member  
15 donors shall not exceed 20 days per year. Donated sick leave shall not be used for retirement  
16 purposes, and employees who donate sick leave shall be notified in writing of the State  
17 retirement credit consequences of donating sick leave."

18 **SECTION 3.** The State Personnel Commission, the State Board of Education, and  
19 the State Board of Community Colleges shall annually report on the voluntary shared leave  
20 program. For the prior fiscal year, the report shall include the total number of days or hours of  
21 vacation leave and sick leave donated and used by voluntary shared leave recipients and the  
22 total cost of the vacation leave and sick leave donated and used. The State Personnel  
23 Commission, the State Board of Education, and the State Board of Community Colleges shall  
24 provide a report for each fiscal year as required by this section to the Joint Legislative  
25 Commission on Governmental Operations and to the Fiscal Research Division on or before  
26 October 15 each year.

27 **SECTION 4.** This act becomes effective January 1, 2011.