



## POLICY 4.35, LEAVE SHARE

**APPLICATION:** Executive Branch classified employees and probationary employees.

**PURPOSE:**

It is the policy of the Commonwealth to permit eligible employees who have exhausted available leave balances to receive pay by using annual leave hours donated to them by other employees.

**AUTHORITY & INTERPRETATION:**

Title 2.2 of the Code of Virginia

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with §2.2-1201 of the Code of Virginia. The Department of Human Resource Management reserves the right to revise or eliminate this policy.

**CODE OF VIRGINIA:**

Not applicable.

**POLICY HISTORY:**

EFFECTIVE DATE	DESCRIPTION
9/16/1993	Policy created.
5/1/2002	Revised.
11/25/2013	Revised.
08/22/2025	Revised
10/15/2025	Revised
02/27/2026	Revised

### Responsibilities

General Provisions	Application
Agency Responsibilities	<ul style="list-style-type: none"> <li>Develop and communicate internal Agency procedures to employees for implementing the Leave Share program in</li> </ul>



	<p>accordance with the agency’s business needs and DHRM Policy 4.35.</p> <ul style="list-style-type: none"> <li>• Establish protocols and timelines for approving Leave Share requests and the receipt of leave share donations.</li> <li>• Establish a process and a reasonable period for posting requests for leave share donations.</li> <li>• Leave donation requests are best posted anonymously. However, the request may identify the employee provided written authorization is obtained from the employee prior to posting the request.</li> <li>• Partner with payroll or time and leave coordinators to record leave share donations for both the donors and recipients.</li> <li>• Agencies may require an unpaid waiting period of up to 80 hours before permitting any leave share donations.</li> </ul>
Employee Responsibilities	<ul style="list-style-type: none"> <li>• Submit completed Leave Share Request forms and the respective Leave Share Medical Documentation that factually represents the employees’ or immediate family members medical situation.</li> <li>• Agree to use accrued leave balances prior to using donated leave.</li> <li>• Maintain routine communications with their supervisor during the approved absence regarding their or their immediate family member’s status and for returning to work.</li> <li>• Donor employee’s must submit a donation to their Human Resource Office to process their donated leave to another agency.</li> </ul>

## Eligibility

General Provisions	Application
Eligibility Criteria	<p>Agencies may approve Classified or Probationary employees to participate in Leave Sharing provided the employee:</p> <ul style="list-style-type: none"> <li>• Has exhausted all applicable leave balances.</li> <li>• Absences must be for: <ul style="list-style-type: none"> <li>○ A serious personal injury or illness or</li> </ul> </li> </ul>



General Provisions	Application
	<ul style="list-style-type: none"><li>○ A Parent, Child, or Spouse's serious injury or illness</li></ul>
Virginia Sickness and Disability Program (VSDP) Participants	<ul style="list-style-type: none"><li>● Leave share donations must not be used to replace or substitute for a short-term disability claim. Employees eligible to use short-term disability benefits through the VSDP program must apply for disability claim benefits and provide the required medical documentation as requested by the third-party claim administrator.</li><li>● Leave donations must not be applied until a VSDP determination is made by the third-party administrator.</li><li>● Following VSDP claim determination, leave share donations for personal injury/illness may be used retroactively as noted provided the employee's applicable leave balances are exhausted:<ul style="list-style-type: none"><li>○ seven-day waiting period for short-term disability claims.</li><li>○ to supplement the percentage of income replacement during the short-term disability claim.</li><li>○ during periods when the claim was pending for the initial claim request, claim extensions or appeals.</li></ul></li><li>● Leave share donations may be used after the accrued annual leave is applied to supplement the STD income replacement benefits.<ul style="list-style-type: none"><li>○ Example: <i>An employee with less than five years of state service is approved for STD at the 60% income replacement rate and is approved for leave share. He requests to use the leave share to supplement the 60% income replacement (3.2 hours per day of STD) and receives 200 hours of donated leave. This employee will accrue annual leave per pay period at a rate of 4 hours. Once the annual leave is accrued and available for use, the employee must use it to supplement the STD income replacement. During the workweek, the employee will use the following leave to achieve 100% pay:</i><ul style="list-style-type: none"><li>▪ Annual Leave: 4 hours</li><li>▪ Leave Share: 12 hours</li><li>▪ 60% STD: 24 hours</li></ul></li></ul></li></ul>



General Provisions	Application
	<ul style="list-style-type: none"> <li>• Leave share donations must not be used during periods of short-term disability working, long-term disability working or long-term disability.</li> <li>• Employees who fail to submit the required documentation for a VSDP claim are not eligible for leave share donations.</li> </ul>
FMLA	<ul style="list-style-type: none"> <li>• Employees who are eligible for Family and Medical Leave (FML) may be approved for Leave Share donations provided they meet the eligibility requirements in this policy.</li> <li>• FML will run concurrently during approved periods of Leave Share.</li> <li>• FML eligibility is not required for an employee to be approved for Leave Share.</li> </ul>
Traditional Sick Leave Participants and Probationary Employees	<ul style="list-style-type: none"> <li>• Employees must submit a completed Request for Leave Share donations form with the completed Leave Share Medical Documentation form to their Agency's Office of Human Resources.</li> </ul>

### Requests and Approvals

General Provisions	Application
Maximum Leave Share per Leave Year	<ul style="list-style-type: none"> <li>• Employees may be awarded up to a maximum of 480 donated leave share hours per leave year (January 10 through January 9)</li> <li>• An agency may award a balance of leave share donations equivalent to the leave period needed for treatment/recovery of the employee's or the family member's illness or injury as outlined by the treating medical practitioner in the Leave Share Medical Documentation form. <i>For example: An employee's medical practitioner documents the employee will need a recovery period of six weeks which is equivalent to 240 work hours. The agency may approve the employee to receive up to 240 hours of leave share donations.</i></li> </ul>



General Provisions	Application
	<ul style="list-style-type: none"><li>• Once the maximum balance of leave share donations is received for an employee, additional leave share donations may not be accepted for the employee and the respective leave share event.</li></ul>
Request and Approval Process	<ul style="list-style-type: none"><li>• A qualified employee may request donated leave by contacting the agency's Human Resource Office or by following agency procedures.</li><li>• A family member or an agency HR representative may submit a leave share request if the employee is physically or mentally unable to initiate the request.</li><li>• Agencies may use the DHRM Recipient Application and Donor form or develop a form and create a process by which an employee should request leave share approval and donations. The Agency form and process must be approved by DHRM.</li><li>• Employees may use leave share donations only for the approved period of eligible unpaid absences in accordance with this policy.</li><li>• Employees must provide the agency with a certification from their treating health care provider outlining their personal or their immediate family member's serious medical condition including the date it began, its probable duration and the amount of time needed for the employee to recover or care for an ill or injured family member.</li><li>• A certification by a second physician of the agency's choice may be required. However, the agency will bear the cost of a second opinion.</li><li>• Medical documentation must be maintained confidentially and in a location that is separate from the employee's official personnel file. This information must be destroyed in accordance with the Library of Virginia's General Records Retention and Disposition Schedules for State Agencies</li><li>• If approved for intermittent use of leave share donations, leave share usage will reflect the hours equivalent to the full workday. (If scheduled to work 9 hours, leave share use will be recorded as 9 hours.)</li></ul>



General Provisions	Application
Maintenance of Leave Share Donations	<ul style="list-style-type: none"><li>• Unused leave share donations will expire if they are not used within 125 workdays from the effective date of the leave share event.</li><li>• Leave share donation balances are non-transferable to other agencies and are not eligible for payout upon an employee's separation from the agency.</li><li>• Leave share donations that are expired, or unused prior to an employee's separation from the agency will be forfeited and removed from the available leave balance.</li><li>• Once awarded to the employee, leave share donations are non-refundable to the leave donors.</li></ul>

### Impact on Benefits

General Provisions	Application
Leave Share and Holidays	<ul style="list-style-type: none"><li>• Leave donations may be used on holidays that occur during an employee's absence for the approved leave share event.</li></ul>
Health Benefits	<ul style="list-style-type: none"><li>• While an employee is receiving and using leave share donations, the agency will continue to pay its portion of the health care premium.</li><li>• Employees must continue to pay their portion of their health care premium to continue their coverage.</li></ul>
Payroll Deductions	<ul style="list-style-type: none"><li>• Certain payroll deductions may continue while an employee is receiving leave share donations if the employee receives income replacement sufficient to cover the deductions. Among these deductions are health care premiums and other voluntary deductions.</li><li>• If the income replacement received through leave share donations is insufficient to cover such deductions, the employee must arrange with their agency's Office of Human Resources to continue or cancel the deductions.</li><li>• Employees who are under contract to purchase VRS service credit may not continue the deductions from their leave</li></ul>



General Provisions	Application
	share checks and must contact the VRS to continue their payments during periods of leave share for continuous or extended periods.
Group Life Insurance	<ul style="list-style-type: none"><li>• Employees receiving leave share donations continue to be covered under the Commonwealth’s group life insurance policy for up to two years.</li></ul>

## Procedures for Leave Share Donations

General Provisions	Application
Leave Share Donations	<ul style="list-style-type: none"><li>• Donations to a Leave Share recipient are limited to accrued annual leave hours.</li><li>• Donors to a leave share recipient may not donate from leave balances that exceed the donor’s carryover limit at the time of the donation established in DHRM Policy 4.10, Annual Leave.</li><li>• Leave share donations must be submitted in 8-hour increments.</li><li>• Donors must retain a minimum annual leave balance of 40 hours. Otherwise, there is no limit on the number of annual leave hours a donor may donate to an approved Leave Share recipient.</li><li>• Donations are processed in the order in which they are received by Human Resources.</li><li>• While excess donations will not be requested, there may be occasions when the employee may not need to use the accumulated donations. In those instances, the excess leave share donations are not returned to the donors.</li><li>• Leave share donations may be applied intermittently. If intermittent use is approved, the recipient employee must exhaust all applicable leave balances prior to using leave share donations.</li></ul>



General Provisions	Application
Agency Responsibilities for Leave Share Donations	<ul style="list-style-type: none"><li>• Agencies must accept leave share donations of accrued annual leave from classified and probationary state employees within the same agency. Agencies can begin accepting leave share donations from other Executive Branch agencies that follow the DHRM Annual Leave Policy when insufficient leave donations have been received for the approved Leave Share event.</li><li>• Agencies must use a Leave Share Donor Form requiring an authorized signature from the employee donating the leave. DHRM's Leave Share Donor Form may be used, or agencies may develop their own form with DHRM's approval.</li><li>• Agencies may not create or maintain a leave share bank. Leave share donations must be for a specific employee approved to participate in leave share for the designated approval period.</li><li>• Excess leave share donations must not be accepted or retained by the agency for future use. <i>For example, a leave share recipient's designated approval period of six weeks establishes a maximum donation balance of 240 hours.</i></li><li>• Note: The agency may approve an additional period for leave share as needed and accept additional leave share donations for the extended period per updated medical documentation.</li></ul>

## Exclusions and Considerations

Exclusions for Employees	<p>Medical conditions of the employee will be excluded from eligibility for leave sharing benefits if they result from:</p> <ul style="list-style-type: none"><li>• any occupational-related accident or illness for the period for which Workers' Compensation (WC) benefits have been awarded or could have been awarded, if the employee had cooperated with WC Program requirements.</li><li>• injuries occurring while violating a law.</li></ul>
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General Provisions	Application
Exclusions for Family Members	<p>Medical conditions of the family member will be excluded from eligibility for leave sharing benefits if they result from:</p> <ul style="list-style-type: none"><li>• injuries occurring while violating a law.</li></ul>
Reimbursement Required	<ul style="list-style-type: none"><li>• Leave Share recipients shall be required to reimburse the agency for pay received for donated annual leave hours when either of the following situations occurs:<ul style="list-style-type: none"><li>○ when an employee receives compensation through the leave sharing program and, subsequently, receives retroactive WC benefits for that same time.</li><li>○ when the employee’s agency determines that abuse has occurred.</li></ul></li><li>• If recipients reimburse the agency in situations described above, leave hours may be returned to the original donor(s) according to agency guidelines.</li></ul>
Penalties for Abuse	<p>For purposes of this policy “abuse” is defined as:</p> <ul style="list-style-type: none"><li>• Providing false information on the Recipient Application Form or submitting false medical documentation.</li><li>• Other actions knowingly taken by the employee to receive leave donations to which he/she otherwise would not be entitled.</li><li>• If abuse is verified, the recipient will be required to repay the cost of all donated leave at their salary rate in effect at the time the employee used donated leave share hours.</li><li>• Additionally, the employee may be disciplined in accordance with provisions of Policy 1.60 - Standards of Conduct.</li></ul>

## GLOSSARY

### Child

A biological, adopted or foster child, a stepchild or legal ward or a child of a person standing in place of the parent. The child must be under the age of eighteen. Adult child who is determined to be



	incapable of self-care because of a mental or a physical disability.
Parent	Biological parent or individual who stands in place of the parent of the employee and is charged with the duties and responsibilities of the parent
Serious Illness/ Injury	A serious illness or injury or health condition that is persistent, long-lasting, and typically requires ongoing medical attention, care, or ongoing managed treatment. These conditions may last for an extended period, may involve chronic flare ups and can significantly impact daily activities and quality of life.
Spouse	Husband or wife as recognized in accordance with Executive Order 30 (2014) Marriage Equality in the Commonwealth of Virginia.
Virginia Sickness and Disability Program (VSDP)	Provides eligible employees supplemental replacement income during periods of partial or total disability for both non-occupational and occupational disabilities. Administered by the Virginia Retirement System. See Policy 4.57 – VSDP.