

ARTICLE 12630.1

VOLUNTARY LEAVE TRANSFER PROGRAM

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SUBARTICLE 1. GENERAL PROVISIONS

1 1. Purpose. To provide policy and guidance for implementing the Voluntary Leave Transfer Program per 5 Code of Federal Regulations (CFR) Part 630.

1 2. Background. As authorized by Public Law 103 103 (Federal Employee Leave Sharing Amendments Act of 1993), the Office of Personnel Management (OPM) has made permanent a voluntary leave transfer program that permits Federal employees to donate annual leave for the use of other Federal employees for medical or family medical emergency situations. Absence from duty without paid leave because of the medical or family medical emergency must be (or must be expected to be) at least 24 hours.

1 3. Delegation of Authority. The Commanding Officer/Activity Head may delegate the responsibility for administering the Voluntary Leave Transfer Program.

SUBARTICLE 2. PROCEDURES

2 1. Application to Become a Leave Recipient

a. An employee who wishes to become an annual leave recipient must complete OPM Form 630 and forward it with appropriate documentation, physician's certification and a copy (R) of the employee's most recent Leave and Earning Statement via the chain-of-command to the Program Administrator. If an employee is not capable of making application, another employee may make the application.

b. The Program Administrator will review the application to determine that:

(1) The potential leave recipient has been affected by a "medical emergency," as defined in 5 CFR 630.902.

(2) The absence from duty without available paid leave excluding advance leave, because of the medical emergency, is (or is expected to be) at least 24 hours (or, in the case of a part-time employee or an employee with an uncommon tour of duty, the average number of hours of work in the employee's biweekly scheduled tour of duty).

In making a determination as to whether a "medical emergency" is likely to result in a substantial loss of income, the Program Administrator shall not consider factors other than whether the absence from duty without available paid leave, excluding advanced leave, is (or is expected to be) at least 24 hours. An employee's entitlement to use sick leave to care for a family member under the Federal Employee's Family Friendly Leave Act shall be considered as available paid leave for the purpose of determining eligibility.

c. If the application is approved, the Program Administrator shall notify the leave recipient (or the personal representative who made application on behalf of the leave recipient), within 10 calendar days (excluding Saturdays, Sundays, and legal public holidays) after the date the application was received that:

(1) The application has been approved; and

(2) Other employees of the leave recipient's employing agency may request the transfer of annual leave to the account of the leave recipient.

d. If the application is not approved, the Program Administrator shall notify the applicant (or the personal representative who made application on behalf of the potential leave recipient), within 10 calendar days (excluding Saturdays, Sundays, and legal public holidays) after the date the application was received that:

(1) The application has not been approved; and

(2) The reasons for its disapproval.

(3) The disapproval is a grievable matter under the Negotiated Grievance Procedure or Article 12771 as appropriate.

2 2. Application to Become a Leave Donor

a. An employee desiring to be an annual leave donor will complete OPM Form 630-A, or OPM Form 630-B, and forward it with a copy of his/her most recent Leave and Earnings (R) Statement via the chain-of-command to the Program Administrator who will ensure the donor is eligible in accordance with 5 CFR 630 and Public Law 103-103.

b. The Program Administrator will notify the donor in writing of the disposition of the request.

2 3. General

a. Only annual leave may be transferred. The minimum amount transferable is one hour.

b. A leave donor may donate one half of the amount of annual leave (s)he would be entitled to accrue during the leave year. A request to exceed this amount must be a separate written

statement signed by the donor which certifies that the donor is aware that the request exceeds the limitations and describes the unusual circumstance inherent in the request.

c. Transferred annual leave may be substituted retroactively for periods of Leave Without Pay (LWOP) or used to liquidate an indebtedness of advanced annual or sick leave granted on or after the date designated as the beginning of the medical emergency.

d. Monthly documentation must be provided by the recipient (unless a more frequent time period is necessary) to support the continuation of the medical emergency. The emergency will terminate when:

(1) The recipient's employment at the activity terminates.

(2) The Program Administrator determines that the recipient is no longer affected by the medical emergency.

(3) The recipient's application for disability retirement is approved.

Upon termination of a medical emergency, the Program Administrator will notify, in writing, the leave recipient's servicing payroll office.

e. If an application to become either a donor or a recipient is disapproved, the applicant will be notified in writing of the reason for disapproval and that it is a grievable matter under the negotiated grievance procedure, or Article 12771 as appropriate.

f. The Program Administrator will notify Activity employees when there is a need for leave donors. (The need for leave donors may be publicized in the Plan of the Day/Week or via memo to all employees.)

g. The Program Administrator will work with the servicing payroll office to establish procedures to ensure required documentation of all recipients, donors, and actions taken under the program.

h. The Program Administrator will ascertain from the Human Resources Office (HRO) Workers' Compensation Specialist and/or the Human Resources Service Center whether the donation of leave to an employee will have an impact on a workers' compensation claim or pending disability retirement application prior to final adjudication of the leave request and payroll notification.

2 4. Forms. OPM Forms 630, 630-A, and 630-B may be obtained from the Program Administrator, or the HRO.

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