

DEPARTMENT OF THE ARMY
Corps of Engineers, Omaha District
215 North 17th Street
Omaha, Nebraska 68102-4978

DM 690-1-632

CEMRO-PO-E

Memorandum
No. 690-1-632

1 November 1990

Civilian Personnel
VOLUNTARY LEAVE TRANSFER PROGRAM

1. Purpose. This memorandum establishes policies and procedures regarding the Voluntary Leave Transfer Program. This program permits employees to donate annual leave for use by other employees who are experiencing a personal medical or family medical emergency.
2. Applicability. This memorandum is applicable to all civilian employees of the Omaha District and serviced organizations.
3. References.
 - a. CEPE-CR message, dated 25 April 1988, subject, Delegated Authority to Establish a Leave Sharing Program.
 - b. Public Law 100-566, Voluntary Leave Transfer Program.
 - c. Title 5, Code of Federal Regulations, Part 630.
 - d. DAPE-CPE Memorandum dated 24 February 1989, subject, Voluntary Leave Transfer Program Authorized by Public Law 100-566.
 - e. FPM Letter 630-33, dated 4 October 1989.
4. Neutral Language Requirement. In this memorandum, the words "he," "him," and "his," when used, represent both the masculine and feminine genders, unless otherwise specifically stated.
5. Definitions.
 - a. "Medical emergency" means a medical condition of an employee or family member of such employee that is likely to require the employee's absence from duty for a prolonged period of time and will result in a substantial loss of income to the employee because of the unavailability of paid leave. A normal, uncomplicated pregnancy will not be considered a medical emergency.

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b. "Leave donor" means an employee whose voluntary written request for transfer of annual leave from his account to the leave account of a leave recipient has been approved by his employing agency.

c. "Leave recipient" means a current employee for whom the employing agency has approved an application to receive annual leave donations.

d. "Substantial loss of income" is an unpaid absence from duty without available paid leave for at least 80 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).

e. "Employee" means a civilian employee of a Federal agency who is covered by the current leave system as defined in 5 U.S.C. 6301(2).

f. "Family member" means the following relatives of the employee: spouse and parents thereof; children, including adopted children, and spouses thereof; parents, brothers and sisters, and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

g. "Paid leave status" means the administrative status of an employee while the employee is using accrued or accumulated annual or sick leave.

h. "Transferred leave status" means the administrative status of an employee while the employee is using transferred leave.

6. Responsibilities.

a. Supervisor. The supervisor is responsible for accepting the initial leave transfer application, approving or disapproving the absence, and recommending either approval or disapproval of the employee's request to participate in the leave transfer program. He is to ensure that the employee provides proper documentation for the medical emergency. The supervisor in coordination with a Personnel Office representative, ensures that the employee's time is reported correctly, continually monitoring the situation to determine when the employee is no longer affected by the medical emergency and therefore no longer eligible to receive leave donations and/or use transferred leave. The supervisor is also responsible for ensuring that a doctor's release is provided by the employee upon returning to work.

b. Personnel Office. The Management-Employee Relations (MER) Branch staff is responsible for administering the program. They will receive applications for the leave transfer program, coordinate the review process, and notify applicants of their acceptance or nonacceptance in the program.

They will alert potential donors of the need for leave donations and will collect leave donations and verify them for processing. The MER Branch staff will notify the Payroll Office in writing when individual donations are made (providing the name, social security number, location code and payroll block of the donor; amount of leave donated; and the name, social security number and payroll block of the recipient). They will coordinate with the leave recipient, supervisor, timekeeper and payroll office, monitoring the program to ensure that accrued leave has been exhausted before a recipient goes into transferred leave status and that donated leave is properly substituted for leave without pay or advanced annual or sick leave granted in connection with the medical emergency. The MER Branch staff will assure that the termination of the medical emergency is promptly processed, that no leave donations are accepted after termination, and that leave accounts have been properly adjusted so that transferred leave will not be transmitted or paid as a lump sum.

7. Procedures.

a. Applying to Become a Leave Recipient.

(1) An employee who is or will be experiencing a medical emergency may make written application through his supervisor to become a leave recipient. Optional Form 630, Leave Recipient Application Under the Voluntary Leave Transfer Program may be obtained from the Personnel Office, MER Branch. If the employee is not capable of making application, another employee or a family member may make written application on his behalf.

(2) Each application must state the reason transferred leave is needed, including a brief description of the nature, severity, and anticipated duration of the medical emergency, and if it is a recurring one, the approximate frequency of the medical emergency affecting the employee. If the medical emergency involves a family member, the relationship must be included. Appropriate physician certification regarding the medical emergency must also be provided.

(3) Application should be filed as soon as the employee learns of the medical emergency and decides to make application. Normally, the application should be filed within two weeks of the on-set of the emergency. Applications will not be accepted unless filed within two weeks of return to duty from medical emergency period.

b. Review and Approval of Leave Application.

(1) The supervisor will review the leave transfer application, will approve or disapprove the absence and, if the absence is approved, will furnish his recommendation regarding approval of the applicant's request to become a leave recipient. The application, reflecting supervisory approval and recommendations, will be forwarded through the MER Branch to the Personnel Officer.

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(2) The MER Branch staff will determine that the employee's absence from duty without available paid leave because of the medical emergency is expected to be or has been at least 80 hours. They will review the application and supporting documentation and then forward them to the Personnel Officer. The Personnel Officer will recommend to the Commander approval or disapproval of the leave transfer application.

(3) Upon approval or disapproval by the Commander, the leave transfer application will be returned through the Personnel Officer to the MER Branch. The MER Branch staff will then notify the applicant and his supervisor as soon as possible, but no later than 10 workdays after the date that the application was received. If the application is not approved, the applicant will be notified of the reason(s).

(4) When an application is approved, the MER staff will publicize that fact and solicit donors. Publicizing will be done so as to avoid being unduly personal regarding the nature of the medical emergency.

c. Transfer of Leave.

(1) An employee may submit to the MER Branch staff a voluntary written request that a specified number of hours of his accrued leave be transferred to the annual leave account of a specified leave recipient (or potential recipient).

(2) A leave donor may donate in any one year (to one or more leave recipients) no more than one-half of the amount of annual leave he is entitled to accrue during the leave year in which the donation is made. Donations of "use or lose" leave are further limited to the number of work hours (for which leave could be scheduled) remaining in the leave year at the time the donation is made. Exception to these restrictions may be approved on a case by case basis by the Commander as he deems appropriate, when donation is to be made to a family member or in cases where leave donations have been insufficient to meet the need of a leave recipient(s).

(3) An employee cannot donate leave to his immediate (first line) supervisor.

(4) Leave donations will be accepted from those employed by other Corps of Engineers or Army activities. Donations will be accepted from those employed by a non-Army Federal agency when the leave donor is a "family member" of the leave recipient and in other situations where it is determined that leave donated within the agency may not be sufficient to meet the needs of the leave recipient. Donations between agencies and between servicing payroll offices must be submitted through the donor's employing office for processing the transfer.

d. Use of Transferred Annual Leave.

(1) All accumulated annual and sick leave (as applicable) earned prior to the date the medical emergency began must be used before any transferred leave can be used. This includes any additional leave accrued while exhausting the accumulated leave.

(2) The approval and use of transferred annual leave shall be subject to all of the same conditions as any other leave usage, except that there will be no maximum accumulation of donated leave. Therefore, donated annual leave will not be subject to forfeiture by the leave recipient at the end of the leave year.

(3) Donated leave may be substituted retroactively for periods of leave without pay (LWOP) or used to liquidate an indebtedness for advanced annual or sick leave granted in connection with the medical emergency and used on or after the date fixed by the agency as the beginning of the period of medical emergency.

(4) Transferred annual leave may not be used after the medical emergency is over, transferred by the recipient to another leave recipient, included in a lump-sum payment upon separation, or made available for recredit upon reemployment by a Federal agency.

e. Termination of medical emergency.

(1) The leave recipient's supervisor and the MER staff will continuously monitor the status of the medical emergency affecting the leave recipient to ensure that appropriate action is taken to close out the leave transfer when the medical emergency ends.

(2) When the medical emergency affecting the leave recipient terminates, the employee must provide his supervisor with a doctor's release for his return to work. The supervisor will forward the doctor's release to the MER office.

(3) The medical emergency affecting a leave recipient shall terminate when the leave recipient's Federal service is terminated, at the end of the biweekly pay period in which the Personnel Office determines that the leave recipient is no longer affected by a medical emergency, or at the end of the biweekly pay period in which the Personnel Office receives notice that the Office of Personnel Management has approved an application for disability retirement for the leave recipient under the Civil Service Retirement System or the Federal Employees Retirement System.

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(4) When the medical emergency affecting the leave recipient terminates, no further donations of annual leave to the leave recipient may be accepted, and any unused transferred annual leave remaining to the credit of the leave recipient shall be restored on a prorated basis to the accounts of the leave donors. (See paragraph f.)

f. Restoration of Unused Transferred Annual Leave.

(1) Under established procedures, any unused transferred annual leave remaining to the credit of a leave recipient when the medical emergency terminates shall be restored by transfer to the annual leave accounts of leave donors who, on the date leave restoration is made, are employed by a Federal agency.

(2) If the amount of unused transferred leave is not sufficient to return one increment (15 minutes) of annual leave to each donor, no unused transferred annual leave shall be restored. In no case shall the amount of annual leave restored to a leave donor exceed the amount transferred to the leave recipient by the leave donor.

(3) If the leave donor retires from Federal service, dies, or is otherwise separated from Federal service before the date unused transferred annual leave can be restored, the unused transferred annual leave shall not be restored to the leave donor.

(4) At the election of the leave donor, unused transferred annual leave may be restored to his annual leave account in the current leave year or at the beginning of the following leave year. As an alternative, the leave donor will be given the opportunity to donate such leave in whole or part to another leave recipient, providing there is an available recipient at that time.

(5) Transferred annual leave restored to the account of a leave donor, along with all other annual leave hours accrued and accumulated during the year, shall be subject to forfeiture as provided by 5 U.S.C. 6304(a) in the leave year during which the leave is credited to the donor's annual leave account.

8. Accrual of Annual and Sick Leave While in Transferred Leave Status.

a. Except as otherwise provided, an employee in a transferred leave status shall accrue annual and sick leave at the same rate as if he were in a paid leave status, except that the maximum amount of annual and sick leave that may be accrued may not exceed 40 hours of annual leave and 40 hours of sick leave (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 weekly scheduled tour of duty).

b. Any annual or sick leave accrued by an employee while in transferred leave status shall be credited to a special annual or sick leave account, as applicable, separate from any regular leave accounts of the employee and will not become available for use by the employee until it is transferred to the employee's regular leave account as of the beginning of the first pay period after the date on which the employee's medical emergency terminates.

c. If the employee's medical emergency terminates because his Federal service is terminated, no leave accrued while in transferred leave status shall be credited nor become available in any way to the employee.

9. Prohibition of Coercion.

a. It is prohibited for an employee to directly or indirectly coerce, threaten or intimidate another employee for the purpose of interfering with any right the employee may have with respect to donation, receipt or use of annual leave provided under this leave transfer program.

b. The term intimidate, threaten or coerce includes promising to confer or conferring any benefit (such as an appointment or promotion or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

10. Termination of Voluntary Leave Transfer Program.

a. The Voluntary Leave Transfer Program shall terminate 31 October 1993 unless extended by the U.S. Congress.

b. If the Voluntary Leave Transfer Program terminates before the termination of the medical emergency the leave recipient is experiencing, all annual leave transferred to the leave recipient before the termination of the program shall remain available for use by the leave recipient until the termination of the medical emergency.

FOR THE COMMANDER:



DONALD E. NEEDHAM
LTC, EN
Deputy Commander

DISTRIBUTION:

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B(S)
E(S)