

U.S. Department of Energy
Environmental Management Consolidated Business Center (EMCBC)

Chapter 4: VOLUNTARY LEAVE TRANSFER PROGRAM

1. **Purpose.** The purpose of this chapter is to set forth procedures and requirements for the Voluntary Leave Transfer Program.
2. **Applicability.** The provisions of this Chapter apply to all EMCBC employees, as well as other DOE employees of organizations for which the EMCBC services, except those excluded by DOE O 322.1B, subparagraph 3c.
3. **Application to Become a Leave Recipient.** An employee who has been affected by a medical emergency may make application on OPM 630, Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program to his/her first level supervisor or leave approving official to become a leave recipient. If such an employee is not capable of making application, due to physical or mental impairment, the leave applicant or immediate family member may designate a personal representative in writing to make the application.
 - a. Employee must provide certification from physicians supporting medical emergency and anticipated duration to supervisor with application.
 - b. As needed, provide periodic medical documentation for continued coverage under the VLTP as requested by the office of Human Resources.
 - c. Request to use donated leave only for purposes related to the condition or emergency for which the recipient was approved.
 - d. Inform supervisor in writing when medical emergency has ended.
4. **Approval of the Application to Become a Leave Recipient.** First level supervisor will verify and validate the employment information contained on OPM Form 630. The supervisor must determine that the employee's absence from duty without available paid leave because of the medical emergency is or is expected to be at least 24 hours and is likely to result in a substantial loss of income to the employee because of the unavailability of paid leave. In the case of a part-time employee or an employee with an uncommon tour of duty, at least 30% of the average number of hours in the employee's bi-weekly scheduled tour of duty will be the determining factor. Once the application receives supervisory endorsement, it is forwarded to the approving official within 5 workdays from the date of receipt of the application.
 - a. First level supervisor will complete block 17 of OPM Form 630 with recommendation and forward to approving official.

b. The approving official or designee will complete block 18 of OPM Form 630 and forward to the EMCBC, Office of Human Resources, 250 E. 5th Street, Suite 500, Cincinnati, OH 45202.

5. **Approving Official's Responsibilities.** The approving official will complete the following applicable actions as soon as possible but no later than 5 calendar days after receipt of the application from the supervisor.

a. If the application is disapproved, approving official will provide direct written notice to the applicant and the first level supervisor that the application has been disapproved and reasons for disapproval.

b. A copy of the approved application will be provided to the applicant with copies to the first level supervisor and EMCBC, Office of Human Resources.

c. Termination notice from employee will be submitted to EMCBC, Office of Human Resources for removal from program.

6. **Director, Office of Human Resources (HR).**

a. Review applications from employees who wish to become leave recipients, and provide final approval or disapproval as soon as possible but no later than 3 workdays of receipt. Approve for period of disability, as provided by physician, or 6 month period, whichever is greater, and notify recipient of termination date.

b. Transmit copy of the Approval of Application for Voluntary Leave Transfer Program and Application to Become a Leave Recipient to the DOE payroll office as soon as possible but no later than 3 workdays of receipt.

c. Notify all EMCBC serviced employees of the opportunity to donate leave to each approved leave recipient. Upon leave recipient's request, expand the area of consideration to all of the Department of Energy if enough leave donations are not received.

d. Monitor the status of each leave recipient's medical emergency, requesting medical documentation for 3 month extension(s). When the medical emergency has ended, notify the recipient of the effective date of termination of program participation and reason for termination.

e. Notify DOE payroll to terminate enrollment in VLTP when termination notice is received from employee or eligibility expires.

7. **Transfer of Annual Leave.** A leave recipient's employing organization may accept the transfer of annual leave from leave donors employed by the same agency or from other agencies. The OPM 630, 630-A, 630-B, and 630-C are available on the OPM web site www.opm.gov.

- a. A first level supervisor is prohibited from receiving donated leave from a subordinate employee.
- b. An employee may submit to his/her first level supervisor or leave approving official a voluntary, irrevocable request on the OPM 630-A or the OPM 630-B to transfer a specific number of whole hours of accrued annual leave to the leave account of a specified approved leave recipient.
- c. Approval of the Donation. The leave-approving official of a DOE donor may forward the documented, approved donation to the EMCBC, Office of Human Resources for processing of internal donations. All DOE donations to employees in other agencies will be forwarded by the DOE leave-approving official to the leave recipient's servicing human resource office. . The documented donation will be quality reviewed, validated, and forwarded to the leave recipient's servicing payroll office.
- d. Substitution of Transferred Annual Leave. Annual leave transferred under this authority may be substituted retroactively for absence without pay or used to liquidate indebtedness for advanced annual or sick leave as a result of an approved medical emergency. (Note: The current pay system will not replace LWOP coding. If an employee's time and attendance sheet is marked as LWOP, transferred leave cannot "automatically" replace that period of unpaid absence until it is deleted. For this reason, the payroll office recommends that even when an employee has no sick leave or annual leave balance, the time sheet should be marked either SL (for personnel illness) or AL (for family member's illness) to prevent the need to have corrected time sheets.

8. **Limitations on Donations of Annual Leave.** A potential leave donor must have a sufficient number of hours of accrued annual leave in order to donate leave. Donating leave earned in future pay periods is prohibited.

- a. The maximum donation of leave is no more than a total of one-half of the amount of annual leave an employee would be entitled to accrue during the leave year in which the donation is made. (Example: An employee who earns 104 hours of annual leave may donate a maximum of 52 hours.)
- b. A leave donor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year under 5 U.S.C. 6304(a) may donate no more than the number of hours remaining in the leave year (as of the date of transfer) for which the leave donor is scheduled to work and receive pay. (Example: If two weeks before the end of the leave year, a leave donor has 100 hours of use or lose leave and is scheduled to work for only 60 hours, up to 60 hours may be donated.) .
- c. The above limitations on donating annual leave may be waived, in writing by the EMCBC director or his designee if, at the time that the donation is received by payroll, the recipient has an insufficient amount of leave available from other sources to cover absence of at least one pay period, and acceptance of the donation is necessary to avoid a period of leave without pay.

9. **Use of Transferred Annual Leave.** An employee in a shared leave status using transferred leave under the VLTP may use the donated leave only for the purpose of the medical emergency for which the recipient was approved. A separate account is established for accruals earned on donated leave. Employees are allowed to accumulate up to 40 hours of annual and sick leave while using transferred annual leave. (See 5 CFR 630.907(a) (1) and (2)).

a. Before transferred annual leave may be used, leave recipient must first use all of their own leave which is available for the purpose. This includes:

(1) Any earned annual and sick leave (i.e., accrued or accumulated leave) to their credit at the beginning of the medical emergency.

(2) Any annual and sick leave accrued by them during the emergency, except leave accrued during periods of absence charged to transferred leave.

(3) All of the annual leave that was advanced to them at the beginning of the leave year except for the amount of such leave which is required by 5 CFR 630.907(d)(1) to be held in abeyance for use after the end of the medical emergency. For full-time employees on regular tours of duty, that amount is 40 hours; for part-time employees and employees on uncommon tours of duty, such as firefighters, it is an amount equal to the average number of hours in their weekly scheduled tour of duty.

a. The approval and use of transferred annual leave by an approved leave recipient shall be subject to all the conditions and requirements imposed by 5 U.S.C. Chapter 63. Upon approval, transferred annual leave received by an approved leave recipient may be accumulated without regard to the limitation imposed by (normally, 30 days or 240 hours) 5 U.S.C. 6304(a). The leave recipient's servicing payroll office must monitor the transfer of donated leave. The balance of the transferred leave will be posted to the leave recipient's account the following leave year, if necessary.

b. Employees who are approved as leave recipients after the end of their medical emergency may use transferred leave only to liquidate leave without pay and advanced annual and sick leave taken during the emergency. They will receive a lump sum payment for the leave without pay at the rate of pay in effect at the time of the absence.

c. Transferred annual leave may not be used as follows:

(1) Transferred to another leave recipient under this regulatory authority.

(2) Transferred to another employing activity upon the leave recipient's transfer of employment.

(3) Included in a lump sum payment under 5 U.S.C. 5551 or 5552.

(4) Made available for recredit under 5 U.S.C. 6306 upon reemployment by a Federal agency.

10. **Termination of Medical Emergency.**

- a. Based on medical documentation or other appropriate action, the entitlement to receive transferred leave shall terminate as follows:
 - (1) When the leave recipient's employment is terminated by the same agency which approved the application to become a leave recipient.
 - (2) At the end of the bi-weekly pay period in which the leave recipient's approving official or designee determines that the leave recipient is no longer affected by a medical emergency.
 - (3) At the end of the bi-weekly pay period in which the leave recipient's employing activity receives notice from the OPM of an approved application for disability retirement.
- b. The leave recipient's first level supervisor or leave approving official shall continually monitor the nature and extent of medical emergency affecting the leave recipient.
- c. When it is determined that the medical emergency or hardship affecting the leave recipient has terminated (based on medical evidence), and the leave recipient has had the opportunity to respond, the following actions are required: (See 5 CFR 630.910(a)(3).)
 - (1) No further donations will be accepted.
 - (2) No further transfers of annual leave will occur.
 - (3) The supervisor or leave approving official will provide written notice to the EMCBC with a copy to the leave recipient with the date the medical emergency has ended or separated from employment.
- d. An agency may deem a medical emergency to continue for the purpose of providing a leave recipient an adequate period of time within which to receive donations of annual leave.
- e. The EMCBC will provide written notice to the DOE payroll office.

11. **Restoration of Transferred Annual Leave.**

- a. Restoration of unused transferred annual leave is computed by the Defense Finance and Accounting Service (DFAS). Upon receipt of the notice indicating the termination of the leave recipient's emergency or hardship, DFAS will compute appropriate restoration of transferred annual leave as follows:
 - (1) Divide the number of hours of unused transferred leave by the total number of hours of annual leave transferred to the leave recipient.

(2) Multiply the ratio obtained in paragraph (1) above by the number of hours of annual leave transferred by each leave donor eligible to receive restoration of unused transferred annual leave. The leave shall be restored to the annual leave accounts of the leave donors who, on the date leave restoration is made, are employed by a federal agency and subject to Chapter 63 of 5 U.S.C. (See 5 CFR 630.911(a)). The result will be rounded down to the nearest increment of whole hours of annual leave.

b. If the total number of eligible leave donors exceeds the total number of hours of annual leave to be restored, no unused transferred annual leave shall be restored. In no case shall the amount of annual leave restored to the leave donor exceed the amount transferred to the leave recipient by the leave donor.

c. Transferred annual leave restored to the account of a leave donor before the beginning of the third bi-weekly pay period before the end of the leave year is subject to the limitation imposed by 5 U.S.C. 6304(a).

d. Transferred annual leave restored to the account of a leave donor after the beginning of the third bi-weekly pay period before the end of the leave year shall not be subject to the limitations imposed by 5 U.S.C. 6304(a) until the end of the leave year following the leave year in which the transferred annual leave was restored.

e. If a leave recipient elects to buy back annual leave as a result of claim for an employment-related injury approved by the Office of Workers' Compensation Programs under 20 CFR 10.202 and 10.310, and the annual leave was leave transferred under Sec. 630.906, the amount of annual leave bought back by the leave recipient shall be restored to the leave donor(s).

12. **Prohibition of Coercion.**

a. An individual may not directly or indirectly intimidate, threaten, or coerce any other individual for the purpose of interfering with any right an employee may have to donate, not to donate, receive, or use annual leave under this chapter.

b. For the purpose of paragraph (a) of this section, 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).