

1 November 1998

Personnel

VOLUNTARY LEAVE TRANSFER PROGRAM



COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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OPR: 437 MSS/DPCE ()

Certified by: (Lt Col Gary L. Cook)

Pages: 5

Distribution: F

This instruction interfaces with 5 CFR Pan 630, Subpart 1, Voluntary Leave Transfer Program.

1. Purpose and Applicability. The purpose of this regulation is to set forth procedures and requirements for the voluntary leave transfer program under which the unused accrued annual leave of one employee may be transferred for use by another who needs such leave because of a medical emergency. This regulation applies to officers and employees to whom subchapter I of chapter 63 of title 5, United States Code applies.

2. Definitions.

2.1. Employee has the meaning given in 5 U.S.C. 6301(2), excluding an individual employed by the government of the District of Columbia.

2.2. Leave Donor - An employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient is approved by his or her own employing agency.

2.3. Leave Recipient - A current employee for whom the employing agency has approved an application to receive annual leave from one or more leave donors.

2.4. Medical Emergency - A medical condition of an employee or a family member of such employee that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave.

3. Application to Become a Leave Recipient.

3.1. An employee may make written application to become a leave recipient through the use of OF 630. If such an employee is not capable of making application on his or her own behalf, a personal representative of the potential leave recipient may make written application on his or her behalf.

3.2. Each application must include the following information concerning the potential leave recipient:

3.2.1. The name, position title, and grade or pay level of the potential leave recipient.

3.2.2. The reasons why 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 condition, the approximate frequency of the medical emergency affecting the potential leave recipient.

3.2.3. Certification from one or more physicians, or other appropriate experts, with respect to the medical emergency.

4. Approval of Application to Become a Leave Recipient.

4.1. An application to become a leave recipient must be submitted to the employee's supervisor who recommends approval/disapproval and forwards the request to the Civilian Personnel Flight. The CPF reviews the application to ensure that it is properly completed and forwards it to the MSS Commander who is the approving official.

4.2. The application will be reviewed for the purpose of determining that the potential leave recipient is or has been affected by a "medical emergency" as defined in 2.4. Before approving an application to become a leave recipient, it must be determined that the potential leave recipient's absence from duty without available paid leave, disregarding any advanced leave, 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, 30 percent of the average number of hours of work in the employee's biweekly scheduled tour of duty).

4.3. If the application is approved, the leave recipient (or the personal representative who made application on behalf of the leave recipient), will be notified within 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date the application was received that:

4.3.1. The application has been approved: and

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

4.4. If the application is not approved, the applicant. (or the personal representative who made application on behalf of the potential leave recipient), will be notified within 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date the application was received, that:

4.4.1. The application has not been approved and

4.4.2. The reason(s) for its disapproval.

4.5. The CPF will publicize approved leave transfer requests through the use of the base media.

5. Transfer of Annual Leave.

5.1. An employee may submit a voluntary written request to transfer a specified number of hours of his or her accrued annual leave to the annual leave account of a specified leave recipient on OF 630A. Transfer of leave to or from an employee who earns and uses leave on the basis of an uncommon tour will be convened using applicable conversion formulas.

5.2. Leave donations may not be made to a donor's immediate supervisor.

5.3. Annual leave transferred under this section may be substituted retroactively for periods of leave without pay (LWOP) or used to liquidate an indebtedness for advanced annual or sick leave granted on or after the date determined to be the beginning of the period of the medical emergency.

5.4. Leave donations to approved leave recipients employed by other agencies may be made using OF 630B.

6. Accrual of Annual and Sick Leave.

6.1. An employee in a shared leave status, may accrue annual and sick leave at the same rate as if the employee were in a paid leave status, except that, the maximum amount of annual leave or sick leave that may be accrued in connection with any particular medical emergency may not exceed 40 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 weekly scheduled tour of duty).

6.2. Annual or sick leave accrued by an employee in a shared leave status will be placed in a separate account and transferred to the appropriate leave account of the employee and will become available for use:

6.2.1. As of the beginning of the first applicable pay period beginning on or after the date on which the medical emergency terminates as described in **9.1.2.** and **9.1.3.** of this regulation.

6.2.2. If the medical emergency has not yet terminated, the accrued leave will become available for use once the employee has exhausted all transferred leave.

6.3. If the employee's medical emergency terminates, as a result of the leave recipient leaving Federal Service, no leave will be credited to the employee under this section.

7. Limitations on Donation of Annual Leave.

7.1. In any one leave year, a leave donor may donate no more than a total of one-half of the amount of annual leave he or she would be entitled to accrue during the leave year in which the donation is made.

7.2. In the case of a leave donor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year, the maximum amount of annual leave that may be donated during the leave year is the lesser of;

7.2.1. One-half of the amount of leave that he or she would be entitled to accrue during the leave year in which the donation is made; or

7.2.2. The number of hours remaining in the leave year (as of the date of the transfer) for which the leave donor is scheduled to work and receive pay.

8. Use of Transferred Annual Leave.

8.1. A leave recipient may use annual leave transferred to his or her annual leave account under para. **5.** of this regulation only for the purpose of the medical emergency for which the leave recipient was approved.

8.2. Except as provided in para. **6.**, during each biweekly pay period a leave recipient is affected by a medical emergency, he or she must use any accrued annual leave (and sick leave, if applicable) before using transferred annual leave.

8.3. Transferred annual leave may not be:

8.3.1. Transferred to another leave recipient under this subpart, except as provided in **10.4.3.** of this regulation.

8.3.2. Included in a lump-sum payment under S U.S.C. 5551 or 5552; or

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

9. Termination of Medical Emergency.

9.1. The medical emergency affecting a leave recipient will terminate:

9.1.1. When the leave recipient returns to work with no expectation of continued absence for the same condition:

9.1.2. When the leave recipient's Federal service is terminated:

9.1.3. At the end of the biweekly pay period in which the leave recipient or his/her personal representative provides written notice that the leave recipient is no longer affected by a medical emergency:

9.1.4. At the end of the biweekly pay period in which the leave transfer approving official determines, after written notice and opportunity for the leave recipient (or, if appropriate, a personal representative of the leave recipient) to answer orally or in writing, that the leave recipient is no longer affected by a medical emergency: or

9.1.5. At the end of the biweekly pay period in which the Civilian Personnel Flight 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.

9.2. The immediate supervisor will continuously monitor the status of the medical emergency affecting the leave recipient to ensure that the leave recipient continues to be affected by a medical emergency.

9.3. When the medical emergency affecting the leave recipient terminates, no further requests for transfer of annual leave to the leave recipient will be granted, and any unused transferred annual leave remaining to the credit of the leave recipient will be restored to the leave donors under para **10.** of this regulation.

9.4. The 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.

10. Restoration of Transferred Annual Leave.

10.1. Any transferred annual leave remaining to the credit of a leave recipient when the medical emergency terminates will be restored to the leave donors.

10.2. 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 will be restored.

10.3. 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 will not be restored.

10.4. At the election of the leave donor, unused transferred annual leave restored to the leave donor under para. **10.1.** may be restored by:

10.4.1. Crediting the restored annual leave to the leave donor's annual leave account in the current leave year.

10.4.2. Crediting the restored annual leave to the leave donor's annual leave account effective as of the first day of the first leave year beginning after the date of election.

10.4.3. Donating such leave in whole or part to another leave recipient.

11. Prohibition of Coercion.

11.1. An individual may not directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten or coerce any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using annual leave under the voluntary leave transfer program.

11.2. The terms "intimidate, threaten, and coerce" include promising to confer or conferring an, benefit (such as an appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

12. Rights to Redress. The Department of Defense Administrative Grievance System or the Local Negotiated Grievance Procedures are available to those employees who believe the voluntary leave transfer program was not applied properly in cases personal to them.

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