

## CHAPTER 25

### LEAVE TRANSFER PROGRAM

#### 25-1. DEFINITIONS.

a. "Leave recipient" means a current employee for whom the employing agency has approved an application to receive annual leave from the annual leave accounts of one or more leave donors.

b. "Leave donor" means an employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient is approved by his/her own employing agency.

c. "Medical emergency" means a medical condition of an employee or a family member of such severity that it is likely to require the employee's absence from duty for a prolonged period of time and to result in a substantial loss of income because of the unavailability of paid leave.

d. "Family member" means the following relative of the employee:

- (1) Spouse, and parents thereof.
- (2) Children, including adopted children, and spouses thereof.
- (3) Parents.
- (4) Brothers and sisters, and spouses thereof.
- (5) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

#### 25-2. GENERAL.

The employee with the "medical emergency" must make application for leave if he/she is capable. If not, a personal representative or supervisor of the potential leave recipient may make written application on his/her behalf.

a. The employee must be facing at least 24 hours (3 days) (or in the case of a part-time employee or an employee with an uncommon tour of duty, the average number of hour worked in the employee's biweekly scheduled tour of duty) without available paid leave in order to make application.

b. Applications for leave approval or disapproval will be made in accordance with procedures outlined in Special Bulletin #2-89. You should call the HRMO at 396-1402 if you or your employee requires further guidance.

c. A proposed leave transfer recipient will be notified of the decision of the installation in writing within 10 working days after receipt of the leave transfer application in the CPAC. Fort Bragg will accept the transfer of annual leave from leave donors employed by other Army installations or from outside agencies only if:

(1) A family member of a leave recipient is employed by another or other Army installation or an outside agency and request the transfer of annual leave to the leave recipient.

(2) In the judgment of the CPAC the amount of annual leave transferred from leave donors employed at Fort Bragg or in the ROTC detachments in the First Region may not be sufficient to meet the needs of the leave recipient.

d. Donations must be made to a specific, approved leave recipient, not to a leave bank program.

e. Annual leave transferred 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 of the beginning of the period of medical emergency for which WOP or advanced annual or sick leave was granted.

f. A leave donor cannot:

(1) Donate more than half the annual leave he/she would accrue during the leave year in which the donation is made. A waiver will be granted when the leave donor is a family member (as described in paragraph 2-1 (d) above) of the leave recipient to a maximum of the full amount of annual leave the donor would be entitled to accrue in the leave year in which the donation is made.

(2) Donate leave to his/her immediate supervisor.

(3) donate leave that is certain to be forfeited because he/she does not have enough hours of scheduled work left in the leave year to permit it to be used.

g. Accrual of annual and sick leave:

(1) While an employee is in a transferred leave status, annual and sick leave shall accrue to the credit of the employee at the same rate as if the employee were then in a paid leave status except that:

(a) The maximum amount of annual leave that may be accrued by an employee while in a transferred leave status 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); and

(b) The maximum amount of sick leave that may be accrued by an employee while in a transferred leave status 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.)

h. Transferred leave terminates:

(1) When the recipient's employment terminates.  
(Unused balance may not become the basis for lump-sum leave payment.)

(2) When OPM approves disability retirement (end of pay period).

(3) At the end of the biweekly pay period in which the leave recipient or his/her personal representative notifies the CPAC in writing that the medical emergency has ended.

(4) When the employer determines the leave recipient is no longer affected by a medical emergency. Prior to terminating an employee's entitlement to donated leave, the employer will be notified, in writing, that the Agency has determined the medical emergency to have ended. The notice will advise the employee that he/she will be entitled to rebut the Agency's determination with reasons why the medical emergency should not be considered to have ended. The notice will allow the employee, and/or his/her personal representative at least 5 workdays from receipt of the notice to reply to the Agency either orally or in writing. The Agency will consider the answer and will issue a decision not later than 10 workdays after the answer. Upon the employee's receipt of the decision or not earlier than 3 workdays after mailing of the decision, the transferred leave entitlement may be canceled by the Agency. Any dispute concerning the cancellation is subject to appropriate grievance procedures.

(5) The status of the medical emergency must be continuously monitored by the employing agency.

(6) Coercion or threats for the purpose of interfering with an employee's right to donate, receive, or use annual leave are prohibited.

(7) Unused transferred annual leave after termination of the medical emergency will be returned to donors on a prorated basis. Re-credited leave, if any, will be rounded to one-hour increments.

#### 25-3. PROCEDURES.

##### a. Application to become a leave recipient.

(1) An employee who has been affected by a medical emergency may make written application through his/her normal command channels (immediate supervisor and second line supervisor) to the CPAC to become a leave recipient. If the employee is not capable of making application, his/her person representative or supervisor may make written application on her/her behalf.

(2) The application must include the following information:

(a) Name, SSN, Position Title, Grade and Telephone Number.

(b) A brief description of the nature, severity and anticipated duration of the medical emergency being experienced by the potential leave recipient.

(c) Certification from a physician verifying the medical emergency. If the Agency requires certification from more than one physician, the Agency will reimburse the potential leave recipient for expenses associated with obtaining the second certification. Reimbursement of the Agency directed second certification will be made whether or not approval is granted.

(d) The immediate supervisor and the second line supervisor must make a recommendation, with justification, and forward the requester's application to the CPAC.

(e) The CPAC office will review the application and approve or disapprove same in writing. The written CPAC decision will be provided to the applicant, through the second line and immediate supervisors within 10 days or receipt of the application. In the event of approval, the CPAC's decision will include a statement of the employee's obligation with respect to furnishing continuing verification of the medical emergency for

which the leave transfer was approved, and a statement that other employees of the recipient's activity may request the transfer of annual leave to the account of the applicant.

(f) Once the potential leave recipient's request has been approved, the beginning of the pay period constituting the certified medical emergency will be the date when all accrued sick and annual leave have been used and the employee enters a LWOP status.

(g) If the medical emergency ends earlier than anticipated, the employee must inform the CPAC in writing immediately so the donated leave can be stopped.

b. Transfer of Annual Leave.

(1) An employee may submit a written request to the CPAC that a specified number of hours of his/her annual leave be transferred from his/her annual leave account to the annual leave account of a specified leave recipient (the format for the request is on page 25-8). Except as provided in paragraph 25-2(c)(1) above, annual leave may be transferred only to a leave recipient employed at Fort Bragg.

(2) A donor will receive written confirmation from the CPAC that his/her leave transfer authorization has been approved.

(3) Dissemination of Information. The information that a leave transfer application has been approved will most often be received verbally by interested donors. It will also be announced in the CPAC Human Resources Bulletin and on the CPAC WebPage.

(4) Information may come from the activity chain of command or from the activity civilian personnel coordinator. Activities may publish the need for leave donors in their internal bulletins or other publications.

c. Leave Accounting Records.

(1) The CPAC will furnish a copy of the leave recipient's request for and approval of leave, along with the leave donor's written request and approval to the Defense Accounting Office - Charleston (DAO-Charleston) if the recipients and the donors are paid by the DAO-Charleston. The DAO will process both the subtractions of the donated leave from the annual leave balance of the donor and maintain the medical emergency leave account of the recipient. If any unused donated leave remains the calculations required by 5 CFR 639.911 for restoration will be computed by the DAO after written

notification is received through CPAC. Donors (who remain employed) will then be provided with documentation advising them of the number of annual leave hours re-credited to their leave account. All leave re-crediting will be done in whole hours only.

(2) If the donor and the recipient are serviced by different DAOs the authorization form will be forwarded by the CPAC to the DAO servicing the donor. However, before forwarding the CPAC will annotate it to show which DAO services the recipient. When the donated leave is subtracted from the donor's annual leave balance, the authorization form will be forwarded to the DAO servicing the recipient for the crediting to the recipient's medical emergency leave account. If any unused leave remains at the end of the medical emergency, the DAO maintaining the emergency leave account will perform the necessary calculations for leave restoration, prepare the appropriate leave restoration document and return it to the DAO servicing the donor. The DAO servicing the donor will then advise the donor on how it should be used.

(3) Public Law 100-566, 31 October 1988, and Part 630, Code of Federal Regulations, contains other provisions not shown in this document. Applicable provisions will be called to the attention of the leave recipient and the donors on a case-by-case basis, as necessary. Questions pertaining to the leave transfer programs should be addressed to the HRMO, 396-1402.

(OFFICE SYMBOL)

(DATE)

MEMORANDUM THRU (Immediate and Second Level Supervisors)

FOR Civilian Personnel Advisory Center, ATTN: AFZA-CP-S

SUBJECT: Application to Become a Leave Recipient

I hereby make application to become a leave recipient.

The following information is furnished:

Full Name (Please Print), SOCIAL SECURITY NUMBER.

POSITION TITLE, GRADE AND ANNUAL SALARY

ORGANIZATION AND TELEPHONE NUMBER

Individual affected by medical emergency (check one).

Employee

Employee's Family Member

Description of the nature, severity, and anticipated duration of the medical emergency on which this application is based.

Medical certification in support of my application is enclosed.

I anticipate my medical emergency will last approximately (number) workdays.

During my absence, I can be reached by telephone at (phone number).

I will inform my supervisor each Friday (or Monday if Friday is a non-workday) of my status and anticipated return to work date.

SIGNATURE

DATE

(OFFICE SYMBOL)

(DATE)

MEMORANDUM FOR Civilian Personnel Advisory Center

SUBJECT: Application to Become a Leave Donor

**Note, Your social security number is necessary in order to verify your pay/leave account. Grade/salary information is necessary because of OPM reporting requirements.**

Questions on this program should be directed to the HRMO at 396-1402.

(OFFICE SYMBOL)

(DATE)

MEMORANDUM FOR Civilian Personnel Advisory Center

SUBJECT: Application to Become a Leave Donor

1. I wish to transfer **(NUMBER)** hours of annual leave from my annual leave account to the leave account of **(LEAVE RECIPIENT'S NAME)**. I understand that the leave I volunteer to transfer will be transferred effective the beginning of the first pay period after the receipt of this authorization by the civilian payroll office. The employee to whom I am transferring my leave is not my supervisor. I affirm that this leave is given freely without any promise of benefit or of being threatened by reprisal if I failed to make this donation.

2. The following information is furnished:

FULL NAME (Please Print)  
SOCIAL SECURITY NUMBER

POSITION TITLE, GRADE AND ANNUAL SALARY

ORGANIZATION AND TELEPHONE NUMBER

SIGNATURE

DATE

(4) Questions regarding the Leave Transfer Program, or this form, may be directed to the CPAC at 6-1402.

(5) Regulations established by the office of Personnel Management (OPM) for the Leave Transfer Program require that donations of leave be authorized in writing by the donor. Your social security number is required to verify the identity of the donor, and avoid errors in identifying leave accounts. Information regarding your grade and annual salary is requested because of reporting requirements established by OPM for their evaluation of the program.

