HRDG 4630 - Absence and Leave - Section J - Subsection a

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Subchapter 4630 - Absence and Leave
Section J - Leave Transfer Programs
Subsection a--Voluntary Leave Transfer Program

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Purpose of the Voluntary Leave Transfer Program

The Voluntary Leave Transfer Program allows a Federal employee to donate unused accrued annual leave to another Federal employee who needs leave because of a medical emergency. This program does not allow for the donation of sick leave, compensatory time, or credit hours.

Approval of Application

Applications will be sent through the immediate supervisor for concurrence and signature. The supervisor will forward the signed application to the appropriate approving office as indicated below:

Agency:	Approving office:
APHIS & AMS (all locations)	HR Specialist USDA, APHIS, MRPHR, HRO 250 Marquette Ave STE 410 Minneapolis, MN 55401-2329

Recipient Eligibility

An employee is eligible to become a leave recipient if the following conditions are met:

- The employee has exhausted accrued, accumulated, recredited and restored annual or sick leave. This does not include advanced annual or sick leave, any annual or sick leave in an employee's set aside leave accounts which has not yet been transferred to the employee's regular annual or sick leave account, credit hours, compensatory time off in lieu of overtime pay, compensatory time off for travel, or religious compensatory time off.
- An employee is entitled to a total of 12 weeks of sick leave each year for all family care purposes. This means if the employee is applying due to a medical emergency affecting a family member and the employee has already exhausted his or her entitlement to 12 weeks of sick leave for family care in that leave year, then any remaining sick leave is not considered available paid leave and he or she would not be required to exhaust the sick leave balance before being eligible for donated leave.
- An employee's application for the program must be filed within 90 calendar days of exhausting leave.
- There will be a substantial loss of income to the employee because of the unavailability of paid leave; and
- The absence from duty without available paid leave as a result of the medical emergency is at least 24 hours for a full-time employee. For a part-time employee, the absence without paid leave must be at least 30 percent of the average number of hours of work in the employee's biweekly scheduled tour of duty.
- The employee is a **wounded veteran** who sustained a combat-related disability while serving as a member of the Armed Forces (including a reserve component), and
- Is undergoing medical treatment for that disability is eligible to participate in the program.

Note: Please refer to **subsection c - - Voluntary Leave Transfer Program for Wounded Veterans** for additional program guidance.

How to Apply as a Recipient

Any employee who meets eligibility requirements may apply to become a leave recipient. The following table describes the application process:

Step	Who:	Does what:
1	Employee or his/her designee	Completes an **AD-1046** (228.52 KB) , Leave Transfer Program - Recipient Application, which must include: • A brief description of the nature of the medical emergency and why the leave is needed. • Medical documentation using the appropriate **DOL form**. • Signatures of the applicant (or his/her designee) and the applicant's supervisor.
2	Employee or his/her designee	Must submit the application to the approving office within 90 days of exhausting leave due to the medical emergency.
3	Approving office	Notifies the applicant, the applicant's supervisor, and timekeeper, in writing, of the approval or disapproval of the request. This will occur within 10 workdays of receipt of the application and supporting documentation.

Seeking Leave Donors

It is the approved recipient's responsibility to find employees willing to donate leave. At the recipient's request, his/her supervisor may assist in locating donors by publicizing the need for leave. If a supervisor chooses to assist employees in donor solicitation, fair and equitable treatment must be given to all employees who seek such assistance.

An employee may not directly/indirectly intimidate, threaten, or coerce any other employee (or attempt to do so) for the purpose of interfering with any right the employee may have with respect to donating, receiving, or using annual leave under this program.

Donor Eligibility

Employees wishing to donate annual leave are subject to the following criteria:

- An employee may not donate leave to his/her immediate supervisor.
- An employee may donate only accrued annual leave. The amount that may be donated is limited to an amount equal to no more than one-half of the amount that the employee would accrue during the leave year in which the donation is made.
- A leave donor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year may donate no more than the number of hours remaining in the leave year (as of the date the donor signs the **AD-1043** (212.94 KB)**,** for which he/she is scheduled to work and receive pay.
- An employee must be in a full-time or part-time status to donate leave, e.g., mixed tour employees are not eligible to donate leave while in intermittent status.

Example 1: A donor who earns 208 hours in a leave year wishes to donate 104 hours of annual leave, 2 weeks before the end of the leave year. The donor is limited to donating only 80 hours since there are only 80 hours left in the leave year.

Example 2: While on 80 hours of annual leave during the last 2 weeks of the leave year, a donor comes into the office wishing to donate 60 hours of annual leave. The donor may not donate the leave because he/she is not scheduled to work for those last 2 weeks.

How to Apply as a Donor

Employees may donate annual leave to an approved recipient by completing an **AD-1043** (212.94 KB)and sending it to the office/official designated under "Approval of Application."

Waiver of Donor Limitation

The limitation on the amount of annual leave that may be donated may be waived, under unusual conditions, if:

- The donated leave does not exceed the number of hours required by the recipient to remain in pay status, or
- There is an insufficient amount of leave from other donors.

A donor may request a waiver of the limitation by submitting a written request describing the unusual circumstances to the appropriate Human Resources Operations contact designated under "Approval of Application."

Accepting Leave from Outside USDA

Annual leave donated from an individual employed outside the Department of Agriculture will be accepted when:

- The amount of annual leave donated by USDA donors does not meet a recipient's needs,
- A leave recipient's family member from outside USDA requests to donate leave to the Marketing and Regulatory Programs leave recipient, or
- The acceptance of leave transferred from another Department will further the purpose of the program.

To donate or receive leave from an agency outside USDA, contact the receiving agency's leave transfer contact.

Using Donated Annual Leave

Donated annual leave will be available for use by the leave recipient for:

- Use on a current basis,
- Retroactive substitution for leave without pay (LWOP), and/or
- Liquidation of advance annual and/or sick leave granted to the recipient for the medical emergency.

A leave recipient may not:

- Donate transferred annual leave to another leave recipient,
- Be paid a lump-sum for unused donated leave,
- Retain unused donated leave for recredit upon reemployment in a Federal agency.

Accruing Leave While in the Voluntary Leave Transfer Program

An employee in the Voluntary Leave Transfer Program continues to accrues annual and sick leave at the same rates as if he/she were in a paid leave status. This means that leave is being accrued simultaneously as donated leave is being used (also called a “shared leave” category) with the following exceptions:

- A full-time (FT) employee may accrue a maximum of 40 hours of annual and sick leave. A part-time (PT) employee may only accrue the average number of hours in the employee's weekly scheduled tour of duty.
- Each pay period, the accrued leave is placed in a separate leave account and is considered “frozen.”
- This “frozen” leave remains in a separate account and may only be used:
    - At the beginning of the first pay period starting on or after the date on which the medical emergency ends; or
    - If the employee's medical emergency has not yet ended, but the employee has used all transferred leave.

If an employee works part of a pay period and uses donated leave then he or she is only considered to be in a “shared leave” category for those hours that donated leave is used. The total accrued annual and sick leave may not be placed into the “frozen” leave account. Instead, only a prorated amount is placed into this “frozen” / separate account. The remainder is either applied to negative balances or is used to reduce the use of donated leave.

Termination of Medical Emergency

The medical emergency affecting a leave recipient ends:

- When the leave recipient's Federal service is terminated,
- At the end of the biweekly pay period in which the agency approving official receives written notice from the leave recipient or personal representative that the recipient is no longer affected by the medical emergency;
- At the end of the pay period in which the agency approving official(s) determines, after written notice from the agency and an opportunity for the recipient or designated representative to answer orally or in writing, that the recipient is no longer affected by a medical emergency;
- At the end of the biweekly pay period in which the recipient's employing office receives notice that the Office of Personnel Management has approved an application for disability retirement; or
- On the date the recipient begins to receive unemployment benefits or workers' compensation, including Continuation of Pay (COP), for the medical emergency.

Recipients or their designated representative are responsible for notifying the agency approving office contact of their status when the period of medical emergency originally authorized expires. Failure to do so may result in removal of the recipient from the program.

When the medical emergency affecting a leave recipient ends, further donations will be accepted only to the extent to liquidate advance sick or annual leave or apply to periods previously charged to LWOP.

Recredit of Donated Annual Leave

Donated annual leave remaining to the credit of a leave recipient when the recipient's medical emergency terminates will be recredited, to the extent administratively possible, to the donor's annual leave account. The following criteria will be applied:

- If the total number of eligible donors exceeds the total number of hours of annual leave to be recredited, **no** unused transferred annual leave will be recredited.
- The amount of annual leave recredited to a donor will not exceed the amount transferred to the recipient by the donor.
- Leave will not be recredited to a donor who separates from the Federal service before the date the unused leave can be credited to the donor's account.

A donor who is eligible for recredit of donated annual leave may elect to have the leave:

- Credited in the current leave year,
- Credited effective as of the first day of the following leave year, or
- Donated in whole or in part to another recipient. (Another leave donor application must be completed.)

The recredited leave is subject to the limitations governing annual leave carryover.

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