

<p>U.S. DEPARTMENT OF EDUCATION</p> <p>PERSONNEL MANUAL INSTRUCTION</p>	<p>PMI <u>630-10*</u>  DATE <u>Oct. 2, 1989</u></p> <p>APPROVED:</p> <p><u>VERONICA D. TRIETSCH</u>  Director of Personnel</p>
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\*Replaces PMB 630-1, dated August 5, 1988; Annotated in accordance with Amendment, dated September 2, 1994

\*Includes amendments dated 2/12/99, 7/12/00 and 06/25/07.

**SUBJECT: VOLUNTARY LEAVE TRANSFER PROGRAM -- ADMINISTRATIVE PROCEDURES**

I. AUTHORITY

The Voluntary Leave Transfer Program is authorized under the Federal Employees Leaving Sharing Act of 1988 [Public Law (PL) 100-566] and the Federal Employees Leave Sharing Amendments of 1993 (PL 103-103), 5 United States Code [(U.S.C.) 6331-6340]. The Department of Education's program requirements and procedures set forth in this Personnel Manual Instruction (PMI) are consistent with the Office of Personnel Management's (OPM) regulations at 5 Code of Federal Regulation (C.F.R.) Part 630.

II. POLICY

The Department's voluntary leave transfer program allows employees to transfer part of their unused accrued annual leave to other Federal employees having medical or family medical emergency situations.

Before approving an application to become a leave recipient, the Department shall determine that the absence from duty without available paid leave because of the medical emergency is (or is expected to be) at least 24 hours, disregarding any advanced leave. (In the case of a part-time employee or an employee with an uncommon tour of duty the unpaid absence must amount to at least the average number of hours of work in the employee's biweekly scheduled tour of duty.)

Transferred annual leave may be used by an approved leave recipient as follows:

- A. Subject to the limitations in Paragraph II.E., a leave recipient may use transferred annual leave in the same manner and for the same purposes as if he or she had earned and received approval to use the leave.
- B. Except as provided in Paragraph II.C., during each pay period a leave recipient is affected by a medical emergency, he/she shall use any accrued

annual leave (and sick leave, if applicable) before using transferred annual leave.

- C. During the period a leave recipient is using transferred leave, he/she may then:
1. accrue up to 5 days of annual and 5 days of sick leave, for use after the medical emergency terminates. (Employees working less than full-time may accrue up to the average number of hours of work in the weekly scheduled tour of duty). Any annual or sick leave accrued while in a leave recipient status shall be available at the beginning of the first pay period after the medical emergency terminates; or
  2. if the employee's medical emergency has not yet terminated, once the employee has exhausted all available transferred leave, the accrued annual and/or sick leave may be used for the medical emergency, as appropriate.
- D. Transferred annual leave may be retroactively substituted by the leave recipient for periods of leave without pay (LWOP), or used to liquidate an indebtedness for advanced annual or sick leave granted on or after a date fixed by Work/Life Programs Group (WLPG) as the beginning of the period of medical emergency for which LWOP or advanced annual or sick leave was granted. The beginning date of a medical emergency need not necessarily be the initial date on which medical services were received.
- E. Transferred annual leave may not be:
1. Transferred to another leave recipient;
  2. Included in a lump-sum payment;
  3. Made available for recredit upon reemployment by a Federal agency;
  4. Used after the biweekly pay period in which the recipient's personal emergency is terminated.
- F. The use of transferred annual leave is subject to all of the conditions and requirements imposed by 5 U.S.C. §6331-6340 and 5 C.F.R. Part 630 and PMI 630-2, Annual Leave.
- G. Applicable provisions of a negotiated collective bargaining agreement will be applied in conjunction with this PMI for positions in the bargaining unit.

### III. APPLICABILITY

This program applies to all employees of the Federal government except the following:

- A. Part-time employees who do not have, prescribed in advance, a regular tour of duty on 1 or more workdays during each workweek;
- B. Presidential appointees or other employees who are not covered by the Federal Leave System;
- C. Temporary employees whose total consecutive period of employment is less than 90 days;
- D. Employees who are employed in agencies or their organizational subunits approved by the Office of Personnel Management to operate a voluntary leave bank program.

#### IV. DEFINITIONS

- A. "Leave donor" means an employee whose voluntary written request for transfer of annual leave to the account of a leave recipient is approved by the Department.
- B. "Leave recipient" means a current employee for whom the Department has approved an application to receive annual leave from the annual leave accounts of one or more leave donors.
- C. "Family member" means the following relatives of the employee:
  - 1. Spouse, and parents;
  - 2. Children, including adopted children, and spouses;
  - 3. Parents;
  - 4. Brothers and sisters, and spouses; and
  - 5. Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- D. "Medical emergency" means 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.

#### V. RESPONSIBILITIES

- A. The Work/Life Programs Group (WLPG) is responsible for developing and implementing administrative procedures, and making leave approval determinations for the voluntary leave transfer program in accordance with 5 C.F.R. Part 630 and this PMI. The WLPG is also responsible for

notifying the supervisors of all employees in the voluntary leave program, on a bi-weekly basis, of any new leave donations and the employee's current leave balances.

- B. The Executive Officers will receive the leave summary reports on their employees on a bi-weekly basis and promptly distribute it to the appropriate supervisors within their Principal Office. Supervisors are responsible for ensuring that employee timecards are correct and for monitoring employees' leave balances.
- C. INFORMATION FOR EMPLOYEE (previously on Attachment C)
  - 1. For a medical emergency you must exhaust both annual leave and sick leave balances. This also includes time off awards, credit hours, compensatory time and restored leave.
  - 2. For a personal emergency you must exhaust all annual leave, compensatory time, credit hours, time off awards and restored leave.
  - 3. While you are in a Shared Leave status, you will continue to accrue annual and sick leave in a special account. This special account will be available to you to use during the emergency, if the donated leave is exhausted and the emergency still exists; or it will be credited to you upon the termination of your emergency.
  - 4. All annual and sick leave balances on your Leave and Earnings Statement will be incorrect from the beginning of the emergency to the termination of the emergency. Therefore, you should contact your timekeeper to verify your current leave balances.

## VI. APPLICATION TO BECOME A LEAVE RECIPIENT

- A. An ED employee to whom this Personnel Manual Instruction applies and who has been affected by a medical or family medical emergency may apply to WLPG through his or her immediate supervisor to become a leave recipient. An approved leave recipient may use transferred leave on a current basis; may retroactively substitute it for leave without pay; or may use it to liquidate advanced annual or sick leave, as stated in Section II.D. above.
- B. If an employee is not capable of making the application, a personal representative may apply on his or her behalf provided that person first obtain written consent from the prospective leave recipient or responsible family member or other person empowered to act on behalf of the prospective leave recipient.
- C. **The employee must complete Attachment A (OPM Form 630) as part of the application process for the leave program.** (The form may also be obtained from ED's ConnectED Forms section; also from the following

web link: [http://www.opm.gov/forms/pdf\\_fill/opm630.pdf](http://www.opm.gov/forms/pdf_fill/opm630.pdf).)

The form includes the following required information:

1. The name, position title, grade or pay level, organization, and social security number of the prospective leave recipient;
  2. The name of the person submitting the application, if other than the prospective leave recipient, and a copy of the written consent required in Paragraph VI.B;
  3. The reasons why transferred leave is needed, including a brief description of the nature, severity, and expected duration of the medical emergency; if it is a recurring one, the approximate frequency of the medical emergency.
  4. The date (or approximate date) when the medical emergency began (see Section II.D. above);
  5. The amount of any annual leave, sick leave, compensatory time, and credit hours currently to the credit of the prospective leave recipient; the amount of any outstanding advanced sick leave and/or leave without pay used in connection with the medical emergency.
  6. The number of transferred leave hours needed (requested) to cover the (estimated) unpaid absence caused by the cited medical emergency.
  7. Recommendation to approve (Block 17) by the prospective leave recipient's supervisor.
  8. Medical documentation in support of the request, as required by Office of Personnel Management regulations and, for bargaining unit employees, further interpreted in the memorandum of agreement with the Union. (This documentation will usually have already been submitted to and accepted by the supervisor to support the employee's leave request for the medical emergency. A copy of this documentation should accompany the leave recipient application.) If the Department should require that a potential leave recipient obtain certification from two or more sources the Department shall ensure, either by direct payment to the expert involved or by reimbursement, that the potential leave recipient is not required to pay for the expenses associate with obtaining certification from more than one source. (5 U.S.C. 6333)
- D. Retroactive application to the Voluntary Leave Transfer Program must be made not later than 60 calendar days after the medical emergency has ended and the employee returns to duty.

**VII. APPROVAL OF APPLICATION TO BECOME A LEAVE RECIPIENT****A. Acting on Applications.**

Within 10 days (excluding Saturdays, Sundays, and legal public holidays) from receipt of the application, WLPG will notify the prospective leave recipient whether or not the application was approved.

The actual approval or disapproval of an application shall be based solely on the WLPG determination that the employee or family member has a medical emergency, and that it will likely result in the unavailability of paid leave for at least 24 hours, disregarding any advanced leave, in the case of a full-time employee. For a part-time employee or an employee with an uncommon tour of duty, the unavailability of paid leave must amount to at least the average number of hours of work in the employee's biweekly scheduled tour of duty.

1. If the application is approved, the notification will inform the leave recipient that other ED employees, except any employees directly supervised by the leave recipient, may request the transfer of annual leave to the recipient's leave account.
2. If the application was made on behalf of the prospective leave recipient by another ED employee, a copy of the notification will also be sent to the employee. The Principal Office Executive Officer or Regional Office Program Head will receive an information copy to carry out the intent of Paragraph VIII, below, if necessary.
3. If the application is disapproved, the applicant shall be advised of the reasons for application disapproval, and that he or she may have the disapproval reviewed through the grievance process at Step 2 of the negotiated grievance procedure or as a Formal Grievance under the administrative grievance procedure, whichever is applicable.

**B. Use of Transferred Leave.**

Use of transferred annual leave is subject to all of the conditions and requirements imposed by law, regulation or agency policy. The immediate supervisor may deny the use of transferred leave if the denial is consistent with applicable law, regulation, or agency policy. In this event, the employee must be notified in writing of the supervisor's decision within five working days from the date the supervisor denies the employee use of transferred leave. The affected employee may then initiate a grievance at

Step 2 of the negotiated grievance procedure or as a Formal Grievance under the administrative grievance procedure, whichever is applicable.

VIII. SOLICITING LEAVE DONATIONS

- A. As this is a Department-wide leave transfer program, employee donors from throughout the Department may transfer annual leave to any approved leave recipient, irrespective of the scope of any volunteer efforts to solicit leave donations.
- B. In some cases, a leave recipient may already have received an indication from other employees of their willingness to donate annual leave to the recipient. In such instances, it may not be necessary to seek donations through public announcement of the recipient's medical emergency.
- C. In other cases, an approved applicant may need announcement of the medical emergency in order to obtain donations. When this is the case, announcement ordinarily should be limited to the Principal Office/Regional Office. In such cases, the Principal Office Executive Officer/Regional Office Program Head or any employee should announce medical emergencies on behalf of their approved leave recipient (s). Regional donor solicitations should ordinarily be region-wide because of the limited numbers of employees there.
- D. In the event a Principal Office/Regional Office cannot realistically meet the needs of its approved leave transfer recipient(s), the Principal Office Executive Officer/Regional Office Program Head or any employee should extend the call for donors through Department Headquarters and/or Region(s) as indicated by the emergency requirement authorized by WLPG.
- E. Approved recipients who request assistance to obtain leave donors are required to consent in writing to the disclosure of at least their name and the fact that they are an approved recipient for transferred annual leave. Announcements, to the extent authorized, may include the following information:
  - 1. Name of recipient;
  - 2. To the extent disclosure is authorized in writing by the recipient, the nature, severity and duration of the medical emergency;
  - 3. To the extent disclosure is authorized in writing by the recipient, grade or pay level of the recipient;
  - 4. Notice of who may donate;

5. The limitations on amounts that may be donated;
6. The form needed to make the donation;
7. Leave recipient's Sub-Bureau and Payroll Block numbers;
8. Where the leave donation forms are to be submitted.

IX. MAKING DONATIONS TO APPROVED LEAVE RECIPIENTS

- A. ED employees may request that a specified number of hours of their accrued annual leave be transferred from their account to the account of a specified ED employee who is an approved leave recipient. The request must be made on the LEAVE DONATION FORM (Attachment B) which the leave donor must submit to the WLPG for approval and forwarding to the ED payroll office. The total amount of leave that a donor may transfer to an approved leave recipient(s) is subject to the limits specified in Section X.
- B. To give those recipients who have unpaid leave due to their medical emergency an adequate opportunity to receive donated leave, requests to transfer leave to the approved recipient may be made for 120 calendar days after the medical emergency has ended and the employee has returned to duty. At the end of the 120 day period, (1) no further requests to transfer leave to the leave recipient may be granted; and (2) no further request to use the transferred leave, in conjunction with the medical emergency may be approved or charged against the transferred leave account. Employees who do not have outstanding LWOP resulting from their medical emergency are ineligible for the 120 day extension after their medical emergency has ended.
- C. Leave donations for employees who were retroactively approved for the Leave Transfer Program will be accepted for 120 calendar days after the approval date. At the end of this 120 day period, (1) no further requests to transfer leave to the leave recipient may be granted; and (2) no further request to use the transferred leave in conjunction with the medical emergency may be approved or charged against the transferred leave account.

X. LIMITATIONS ON DONATIONS OF ANNUAL LEAVE

- A. A leave donor may not donate leave that has not been earned and is not already in his or her accrued annual leave account.



- B. A leave donor may not donate 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. This one-half limit applies whether the leave is donated all at one time or in increments at various times during the leave year.
- C. A leave donor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year (use or lose) may donate the lesser of the amount in Paragraph B. above; or the number of hours remaining in the leave year, as of the date of the transfer of leave, for which the leave donor is scheduled to work and receive pay.
- D. A leave donor shall not donate annual leave to his/her immediate supervisor.
- E. WLPG will authorize a waiver of the Paragraph B. and C. limitations for donors meeting the criteria for "family member" of the recipient, as defined in Section IV.C. above. Donors who are "family members" of the leave recipient may donate any amount of their available annual leave.

XI. INTERAGENCY LEAVE TRANSFER

- A. Leave Transfer to the Education Department.

The Department should provide its employees with a reasonable opportunity to donate leave to the leave recipient, as leave donors should normally be employed by the same agency as the leave recipient. However, the Department shall accept the transfer of annual leave from leave donors employed by one or more other agencies when:

- 1. A family member of a leave recipient is employed by another agency and requests the transfer of annual leave to the leave recipient;
- 2. In the judgment of WLPG, the amount of annual leave transferred from leave donors employed by the Department may not be sufficient to meet the needs of the leave recipient; or
- 3. In the judgment of WLPG, acceptance of leave transferred from another agency would further the purpose of the voluntary leave transfer program.

The WLPG shall accept transferred leave from donors employed in other agencies only after verification that appropriate officials in those other agencies have approved the leave donors' requests to transfer leave to the approved recipient. A donation is considered to have been approved by the donor's agency when the donor's

payroll office certifies in writing that the donated leave has been deducted from the donor's leave account. (See Attachment B.)

B. Leave Transfer to Other Agencies

ED employees who wish to transfer to a leave recipient in another agency should complete and forward the LEAVE DONATION FORM to WLPG. Items concerning the recipient's employing agency, duty station, organization, and mailing address of the recipient's payroll office should receive careful attention. WLPG shall ascertain that the leave recipient's employing agency will accept the transferred leave. The ED payroll office shall verify the availability of annual leave in the leave donor's annual leave account, and determine that the amount of annual leave to be donated does not exceed the limitations under Section X. After satisfying these requirements, payroll will:

1. Reduce the amount of annual leave credited to the leave donor's annual leave account, as appropriate;
2. Notify the leave recipient's employing agency in writing of the amount of annual leave to be credited to the leave recipient's annual leave account.

XII. TERMINATION OF MEDICAL EMERGENCY

A. WLPG will monitor the status of the medical emergency affecting the leave recipient, through his/her immediate supervisor, to ensure that the leave recipient continues to be affected by the medical emergency. If an injury or illness is of a recurring nature that is likely to place the leave recipient into further unpaid leave status, WLPG will normally view this situation as a continuation of the same emergency.

B. The leave recipient's immediate supervisor will decide when the medical emergency terminates. At that time:

1. no further requests to transfer leave to the leave recipient may be granted; and
2. no further request to use the transferred leave may be approved or charged against the transferred leave account. Any unused transferred annual leave remaining to the credit of the leave recipient will be restored to the leave donors as specified in Section XIII. WLPG, on learning when a medical emergency terminates, will notify the payroll office. If the affected employee does not agree with the medical termination decision, he/she may initiate a grievance at Step 2 of the negotiated grievance procedure or as a Formal Grievance under the administrative grievance

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procedure, whichever is applicable.

- C. The medical emergency affecting a leave recipient shall terminate:
1. When the leave recipient's Federal service is terminated;
  2. When the leave recipient is placed in a position which is not under the leave system; i.e., a position excepted under Section III of this Personnel Manual Instruction;
  3. When the leave recipient transfers from ED to an agency or organizational subunit operating a voluntary leave bank program;
  4. At the end of the pay period in which WLPG receives written notice from the leave recipient or from a personal representative, that he/she is no longer affected by the medical emergency;
  5. At the end of the pay period in which WLPG determines, after written notice and opportunity for the leave recipient (or his/her personal representative, if appropriate) to answer orally or in writing, that he/she is no longer affected by a medical emergency;  
or
  6. At the end of the pay period in which ED receives notification 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. The WLPG will issue the Paragraph C notification for any of these conditions.

### XIII. RESTORATION OF TRANSFERRED ANNUAL LEAVE

- A. Any transferred annual leave remaining to the credit of a leave recipient when the medical emergency terminates shall be restored, to the extent WLPG determines restoration to be administratively feasible, by transfer to the annual leave accounts of leave donors currently employed by a Federal agency in a position subject to the leave system.
- B. 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, ED shall not restore the unused transferred annual leave.
- C. The amount of unused transferred annual leave to be restored to each donor is determined as follows:
1. The number of hours of unused transferred leave is divided by the

total number of hours of leave transferred to the leave recipient by all leave donors;

2. The ratio so obtained is then multiplied by the number of hours transferred by each leave donor, and the result is rounded to the nearest hour (less than one-half hour is rounded down: one-half hour or more is rounded up).
- D. If the total number of eligible leave donors (i.e., those still employed under the Federal Leave System) exceeds the total number of hours of leave to be restored, no leave shall be restored. In no case shall the amount of leave restored to a donor exceed the amount donated by that donor.
- E. At the election of the leave donor, unused transferred annual leave restored to the leave donor may be restored by:
1. Crediting the restored annual leave to the leave donor's annual leave account in the current leave year;
  2. Crediting the restored annual leave to the donor's annual leave account effective as of the first day of the following leave year; or
  3. Donating such leave in whole or part to another leave recipient.
- F. If a leave donor elects to donate only part of his or her restored leave to another leave recipient, the donor may elect to have the remaining leave credited to his/her annual leave account.
- G. Transferred annual leave restored to a leave donor shall be subject to the limitation on the amount of annual leave that may be carried over at the end of the leave year in which the leave is restored. For most employees the limit is 240 hours.

#### XIV. PROHIBITION OF COERCION

In connection with the voluntary leave transfer program, an employee may not directly or indirectly intimidate, threaten, or 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. 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).

#### XV. RECORDS AND REPORTS

WLPG shall maintain the following records to evaluate the desirability, feasibility,

and cost of the voluntary leave transfer program:

1. The number of applications approved for medical emergencies affecting an employee and the number of applications approved for medical emergencies affecting an employee's family member;
2. The grade and pay level of each leave recipient and leave donor;
3. The total amount of annual leave transferred to each leave recipient's annual leave account;
4. The total amount of transferred annual leave used by each leave recipient;
5. The estimated direct and indirect cost of processing leave transfer requests, transferring leave between the accounts of leave donors and leave recipients, monitoring the use of transferred leave, restoring unused leave to the accounts of leave donors, and other activities related to administering the voluntary leave transfer program; and
6. Any additional information OPM may require.
7. WLPG shall maintain all records pertaining to the VLT according to the Department's Privacy Act System of Records. The VLT program is cited in the Department's Privacy Act System, Item # 18-05-09, (page 89) as shown in the attached link:  
<<http://www.ed.gov/policy/gen/leg/issuances03.doc>>

For further information, call the Work/Life Programs Group on (202) 401-9549.

### Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program

1. Applicant's name <i>(Last, first, middle)</i>		2. Social Security Number	3. Employee Number
4a. Position title	4b. Pay plan	4c. Grade/pay level	
5. Name of organization <i>(Agency, Department, Office, Division, Branch, etc.)</i>		6. Office telephone number	
7. Nature and severity of the medical emergency			
8. Individual affected by medical emergency <i>(check one)</i> <input type="checkbox"/> Employee <input type="checkbox"/> Employee's family member		9. Date medical emergency began	
		10. Date medical emergency ended <i>(or is expected to end)</i>	
11. Name of physician who will verify the medical emergency. <i>(Attach documentation from the physician (or other appropriate expert) showing the diagnosis, prognosis and duration of illness.)</i>			
12. What is the applicant's annual and sick leave balances as of end of last pay period?  Annual leave balance → <input style="width: 50px;" type="text"/> Sick leave balance → <input style="width: 50px;" type="text"/>		13. How many hours of leave without pay have been used for this medical emergency?  Hours → <input style="width: 50px;" type="text"/>	
14. Provide a description of the medical emergency to be distributed to servicing personnel offices so that other employees may donate annual leave to the applicant.  <input type="checkbox"/> Check box if applicant does not want a description distributed. <input type="checkbox"/> Check box if applicant does not wish to have name used with the description or disclosed to anyone except the supervisor, the supervisory channel and the deciding official, and individuals who maintain the program.		Description of medical emergency	
15a. Name of individual completing application <i>(If applying on behalf of the applicant)</i>		15b. Relationship to applicant	15c. Telephone number (area code)
16a. <b>I certify that the above statements are true.</b> <i>(Signature of applicant or individual applying on behalf of applicant)</i>		16b. Date signed	
<b>Privacy Act Statement</b> Participation in this program is voluntary; however, solicitation of this information is authorized under 5 U.S.C. 6332. The information furnished will be used to identify records properly associated with the transfer of annual leave. It may also be disclosed to a national, State, or local law enforcement agency where there is an indication of a violation or potential violation of civil or criminal law, rule, or regulation; or to another agency or court when the Government is party to a suit. Public Law 104-134 (April 26, 1996) requires that any person doing business with the Federal Government furnish a social security number or tax identification number. This is an amendment to title 31, Section 7701. Furnishing the social security number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the application. If your agency uses the information furnished on this form for purposes other than those indicated above, it may provide you with an additional statement reflecting those purposes.			
17. First level supervisor's recommendation <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove Signature _____ Date signed _____		18. Deciding official's decision <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove Signature _____ Date signed _____	

**LEAVE DONATION FORM**

Donor's Name (Last, First, M.I.):	SSN:
Donor's Organization:	
<b><u>DONOR AUTHORIZATION</u></b>	
__ Hours of my accrued annual leave is authorized for donation under the Voluntary Leave Transfer Program	
<input type="checkbox"/> Check here if you want leave deducted from any restored leave.	
Recipient's Name:	
Recipient's Organization:	
I am aware that supervisors may not receive leave donations from their immediate staff and I certify the recipient is not my immediate supervisor.	
Signature of Donor	Date
<b>Privacy Act Statement</b> Participation in this program is voluntary; however, solicitation of this information is authorized under 5 U.S.C. 6332. The information furnished will be used to identify records properly associated with the transfer of annual leave. It may also be disclosed to a national, State, or local law enforcement agency where there is an indication of a violation or potential violation of civil or criminal law, rule, or regulation, or to another agency or court when the Government is party to a suit. Public Law 104-134 (April 26, 1998) requires that any person doing business with the Federal Government furnish a social security number or tax identification number. This is an amendment to title 31, Section 7701. Furnishing the social security number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the application. If your agency uses the information furnished on this form for purposes other than those indicated above, it may provide you with an additional statement reflecting those purposes.	
<b>Submit form to: Suite 2E246, FOB 6</b> <b>400 Maryland Avenue SW, Washington DC 20202</b> <b>Fax: 202-401-0520</b> <b>Attention: LaJuan Darby</b>	

## VOLUNTARY LEAVE TRANSFER PROGRAM

### TABLE OF CHANGES

- Interim Regulatory Changes

The following changes are made to conform to interim regulations published in the Federal Register, January 31, 1994. The interim regulations make it easier for an employee to qualify as a leave recipient by: (1) excluding advanced leave from an employee's "available paid leave"; and (2) reducing from 80 to 24 the number of hours unpaid absence that constitutes a "substantial loss of income." The interim regulations also provide that if the medical emergency continues after the leave recipient exhausts all transferred leave, an employee may then use any annual or sick leave, as appropriate, that was earned while the employee was in a shared leave status.

#### Pen and Ink Changes:

##### Section II:

2nd paragraph, line 5: Delete **80 hours**. and substitute **24 hours, disregarding any advanced leave.**

2nd paragraph, subheading C, line 2: After **then**, insert: **(1)**

3rd paragraph, subheading C, line 10: After **terminates**, add: **or (2) if the employee's medical emergency has not yet terminated, once the employee has exhausted all available transferred leave, the accrued annual and/or sick leave may be used for the medical emergency, as appropriate.**

##### Section VII:

Subsection A., 2nd paragraph, line 6: Delete **80 hours**, and substitute **24 hours, disregarding any advanced leave,**

- Other Changes:

Provision is made that copies of the Shared Leave Recipient Notification (Form LS-5), generated by Department of the Interior (DOI), Bureau of Reclamation, addressed to the Timekeeper will also be furnished the leave recipient and the Agency Program Coordinator.



**Pen and Ink Changes:**

**Section VII:**

Subsection A: Add new paragraph:

4. ~~Upon receipt of donated leave, the Department of the Interior (DOI), bureau of Reclamation will transmit a notification letter – form LS 5, Shared Leave Recipient Notification – (see Attachment C) to the timekeeper, the employee, and the Agency Program Coordinator (WLPG) of the initial donated amount available.~~

**Addition to Attachments:**

Add new Attachment C, attached

### TABLE OF CHANGES

The following changes provide for better consistency with Title 5, Code of Federal Regulations, Part 630, Subpart I, Voluntary Leave Transfer Program, to give the employee adequate opportunity to make retroactive application to the program after the medical emergency has ended and to give the employee adequate opportunity to receive donated leave after the medical emergency has ended.

Personnel Policy, Planning and Evaluation Staff: Change all instances of “Personnel Policy, Planning and Evaluation Staff (PPES)” to read “Human Resources Group (HRG).”

Section VI:

Add new subsection.

**D. Retroactive application to the Voluntary Leave Transfer Program must be made not later than 60 calendar days after the medical emergency has ended and the employee returns to duty.**

Section IX:

1<sup>st</sup> paragraph, line 1: Before **ED**, add **A**.

Add new subsections.

- B. To give the employee adequate opportunity to receive donated leave, requests to transfer leave to the approved recipient may be made for 120 calendar days after the medical emergency has ended and the employee has returned to duty. At the end of the 120 day period, (1) no further requests to transfer leave to the leave recipient may be granted; and (2) no further request to use the transferred leave, in conjunction with the medical emergency may be approved or charged against the transferred leave account.**
- C. Leave donations for employees who were retroactively approved for the Leave Transfer Program will be accepted for 120 calendar days after the approval date. At the end of this 120 day period, (1) no further requests to transfer leave to the leave recipient may be granted; and (2) no further request to use the transferred leave in conjunction with the medical emergency may be approved or charged against the transferred account.**

### TABLE OF CHANGES

The following change is made to an amendment dated February 12, 1999. Paragraph B in Section IX should read as follows:

- B. To give those recipients who have unpaid leave due to their medical emergency an adequate opportunity to receive donated leave, requests to transfer leave to the approved recipient may be made for 120 calendar days after the medical emergency has ended and the employee has returned to duty. At the end of the 120 day period, (1) no further requests to transfer leave to the leave recipient may be granted; and (2) no further request to use the transferred leave, in conjunction with the medical emergency may be approved or charged against the transferred leave account. Employees who do not have outstanding LWOP resulting from their medical emergency are ineligible for the 120 day extension after their medical emergency has ended.**

**Human Resources Group: Change all instances of “Human Resources Group (HRG)” to read “Work/Life Program Group (WLPG).”**

**Add new ATTACHMENT B: Leave Donation Form**

### TABLE OF CHANGES

The following changes are made to the overall policy and to the amendment dated September 2, 1994. Part I, Authority, of the PMI should read as follows:

I. Authority:

The Voluntary Leave Transfer Program is authorized under the Federal Employees Leaving Sharing Act of 1988 [Public Law (PL) 100-566] and the Federal Employees Leave Sharing Amendments of 1993 (PL 103-103), 5 United States Code [(U.S.C.) 6331-6340]. The Department of Education's program requirements and procedures set forth in this Personnel Manual Instruction (PMI) are consistent with the Office of Personnel Management's (OPM) regulations at 5 Code of Federal Regulation (C.F.R.) Part 630.

In Part II, the first paragraph should read as follows: The Department's voluntary leave transfer program allows employees to transfer part of their unused accrued annual leave to other Federal employees having medical or family medical emergency situations.

In Part II, Section F, change the first sentence to read: "The use of transferred annual leave is subject to all of the conditions and requirements imposed by 5 U.S.C. §6331-6340 and 5 C.F.R. Part 630 and PMI 630-2, Annual Leave. However, annual leave transferred to the leave recipient is not subject to the limit on the amount of annual leave that may be carried over from one leave year to the next.

In Part II, Section G, change the word "Instruction" to "PMI".

In Part V, change the title from "Responsibility" to "Responsibilities". Designate the previous single paragraph as Section A, change the first sentence to read: The Work/Life Programs Group (WLPG) is responsible for developing and implementing administrative procedures, and making leave approval determinations for the voluntary leave transfer program in accordance with 5 C.F.R. Part 630 and this PMI. Also add the following sentence to Section A: "The WLPG is also responsible for notifying the supervisors of all employees in the voluntary leave program, on a bi-weekly basis, of any new leave donations and the employee's current leave balances."

In Part V, add two new sections, Section B and Section C, which will read as follows:

B. The Executive Officers will receive the leave summary reports on their employees on a bi-weekly basis and promptly distribute it to the appropriate supervisors within their Principal Office. Supervisors are responsible for ensuring that employee timecards are correct and for monitoring employees' leave balances.

C. INFORMATION FOR EMPLOYEE (previously on Attachment C)

1. For a medical emergency you must exhaust both annual leave and sick leave balances. This also includes time off awards, credit hours, compensatory time and restored leave.
2. For a personal emergency you must exhaust all annual leave, compensatory time, credit hours, time off awards and restored leave.
3. While you are in a Shared Leave status, you will continue to accrue annual and sick leave in a special account. This special account will be available to you to use during the emergency, if the donated leave is exhausted and the emergency still exists; or it will be credited to you upon the termination of your emergency.
4. All annual and sick leave balances on your Leave and Earnings Statement will be incorrect from the beginning of the emergency to the termination of the emergency. Therefore, you should contact your timekeeper to verify your current leave balances.

In Part VI, Section A, change ‘the supervisor’ to “his or her supervisor”.

In Part VI, Section B, change the word ‘providing’ to ‘provided’.

In Part VI, change the introductory paragraph of Section C to read as follows:

**The employee must complete Attachment A (OPM Form 630) as part of the application process for the leave program.** (The form may also be obtained from ED’s ConnectED Forms section; also from the following web link: [http://www.opm.gov/forms/pdf\\_fill/opm630.pdf](http://www.opm.gov/forms/pdf_fill/opm630.pdf).) The form includes the following required information.

In Part VI, Section C, change Item 7 to read as follows: Recommendation to approve (Block 17) by the prospective leave recipient’s supervisor.

In Part VI, Section C, Item 8, add citation 5 USC 6333 at the end of that section.

In Part VII, Section A, delete Part 4.

In Section XV, add Item 7, to show that VLT records will be maintained according to the Department’s Privacy Act System of Records.

Delete Attachment A, Sample Application, and replace with a new Attachment A, OPM Form 630, “Application to Become a Leave Recipient under the Voluntary Leave Transfer Program.”

Modify the Privacy Act Statement on Attachment B, “Leave Donation Form” to be identical to the privacy statement on the OPM Form 630, Attachment A.

Delete in its entirety Attachment C, “Shared Leave Recipient Notification Memorandum.”

In Amendment I, dated September 2, 1994, delete the entire section titled “Other Changes.”