

it gives at least 30 calendar days advance written notice to current leave bank members.

(b) If an agency terminates a voluntary leave bank program before the termination of the medical emergency affecting a leave bank recipient, annual leave transferred to a leave bank recipient shall remain available for use under the rules set forth in subpart I of this part.

(c) An agency that terminates a voluntary leave bank program shall make provisions for the timely and equitable distribution of any leave remaining in the leave bank. The agency may allocate the leave to current leave recipients, recredit the leave to the accounts of the voluntary leave bank members, or a combination of both. The agency may distribute the leave immediately or may delay the distribution, in whole or part, until the beginning of the following leave year.

### Subpart K—Emergency Leave Transfer Program

SOURCE: 64 FR 72253, Dec. 27, 1999, unless otherwise noted.

#### § 630.1101 Purpose, applicability, and administration.

(a) *Purpose.* This subpart provides regulations to implement section 6391 of title 5, United States Code, and must be read together with section 6391. Section 6391 of title 5, United States Code, provides that in the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management (OPM) to establish an emergency leave transfer program under which an employee may donate unused annual leave for transfer to employees of his or her agency or to employees in other Executive agencies who are adversely affected by such disaster or emergency.

(b) *Applicability.* This subpart applies to any individual who is defined as an “employee” in 5 U.S.C. 6331(1) and who is employed in an Executive agency.

(c) *Administration.* The head of each agency having employees subject to this subpart is responsible for the proper administration of this subpart. Each

Federal agency must establish and administer procedures to permit the voluntary transfer of annual leave consistent with this subpart.

#### § 630.1102 Definitions.

In this subpart—

*Agency* means an “Executive agency,” as defined in 5 U.S.C. 105.

*Disaster or emergency* means a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees (e.g., loss of life or property, serious injury, or mental illness as a result of a direct threat to life or health).

*Emergency leave donor* means a current employee whose voluntary written request for transfer of annual leave to an emergency leave transfer program is approved by his or her employing agency.

*Emergency leave transfer program* means a program established by OPM that permits Federal employees to transfer their unused annual leave to other Federal employees adversely affected by a disaster or emergency, as declared by the President.

*Emergency leave recipient* means a current employee for whom the employing agency has approved an application to receive annual leave from an emergency leave transfer program.

*Employee* has the meaning given that term in 5 U.S.C. 6331(1).

*Family member* has the meaning given that term in § 630.902.

*Leave year* has the meaning given that term in § 630.201.

*Paid leave status under subchapter I* has the meaning given that term in § 630.902.

#### § 630.1103 Establishment of an emergency leave transfer program.

(a) When directed by the President, OPM will establish an emergency leave transfer program that permits an employee to donate his or her accrued annual leave to employees of the same or other Executive agencies who are adversely affected by such a disaster or emergency.

(b) OPM will notify agencies of the establishment of an emergency leave transfer program for a specific disaster

**§ 630.1104**

**5 CFR Ch. I (1-1-01 Edition)**

or emergency, as declared by the President. Once notified, each agency affected by the disaster or emergency is authorized to do the following:

- (1) Determine whether, and how much, donated annual leave is needed by affected employees;
- (2) Approve leave donors and/or leave recipients in their agencies, as appropriate;
- (3) Facilitate the distribution of donated annual leave from approved leave donors to approved leave recipients within their agencies; and
- (4) Determine the period of time for which donated annual leave may be accepted for distribution to approved leave recipients.

(c) A leave bank established under subchapter IV of chapter 63 of title 5, United States Code, and subpart J of part 630 may, with the concurrence of the leave bank board established under § 630.1003, donate annual leave to an emergency leave transfer program administered by the leave bank's employing agency.

**§ 630.1104 Application to become an emergency leave recipient.**

(a) An employee who has been adversely affected by a disaster or emergency may make written application to his or her employing agency to become an emergency leave recipient. If an employee is not capable of making written application, a personal representative of the potential leave recipient may make written application on his or her behalf.

(b) An employee who has a family member who has been adversely affected by a disaster or emergency may also make written application to his or her employing agency to become an emergency leave recipient. An emergency leave recipient may use donated annual leave to assist an affected family member, provided such family member has no reasonable access to other forms of assistance.

(c) For the purpose of this subpart, an employee will be considered to be adversely affected by a major disaster or emergency if the disaster or emergency has caused severe hardship to the employee or a family member of the employee to such a degree that the

employee's absence from work is required.

(d) The employee's application must be accompanied by the following information concerning each potential leave recipient:

- (1) The name, position title, and grade or pay level of the potential emergency leave recipient;
- (2) A statement describing his or her need for leave from the emergency leave transfer program;
- (3) Any additional information that may be required by the potential leave recipient's employing agency.

(e) Agencies may administratively determine a time period by which employees must apply to become an emergency leave recipient after the occurrence of a major disaster or emergency.

**§ 630.1105 Approval of application to become an emergency leave recipient.**

(a) The potential emergency leave recipient's employing agency will review the application to become a leave recipient under procedures established by the employing agency for the purpose of determining that the potential leave recipient is or has been affected by the major disaster or emergency.

(b) If the application is approved, the employing agency must notify the leave recipient (or his or her personal representative) within 10 calendar days (excluding Saturdays, Sundays, and legal public holidays) after the date the application was received (or the date the employing agency established its administrative procedures, if that date is later).

(c) If the application is not approved, the employing agency must notify the applicant (or the personal representative who made application on behalf of the potential emergency leave recipient) within 10 calendar days (excluding Saturdays, Sundays, and legal public holidays) after the date the application was received (or the date the employing agency establishes its administrative procedures, if that date is later). The agency must give the reasons for its disapproval.

(d) An approved emergency leave recipient is not required to exhaust his or her accrued annual and sick leave