

**Major Functional Series 400: PERSONNEL
ADS Chapter 482 - VOLUNTARY LEAVE TRANSFER PROGRAM**

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482.1 Authority

1. [5 CFR 630, Subpart I](#)
2. [Public Law 100-566 \(October 31, 1988\)](#)
3. [EO 12589 \(March 18, 1987\)](#)
4. [Public Law 103-103 \(October 8, 1993\)](#)
5. [5 USC 2105, 6301\(2\)](#)

482.2 Objective

This chapter provides the policies and procedures for a voluntary leave transfer program in which Agency employees have the option to donate accrued or restored annual leave to other federal employees with medical emergencies.

This chapter applies to all Agency U.S. citizen direct-hire employees, except those employees appointed by the President and confirmed by the U.S. Senate other than members of the Senior Foreign Service and Foreign Service commissioned officers.

482.3 Responsibility

1. The Chiefs of the Personnel Operations Division (M/HR/POD) and Executive Management (M/HR/EM), Office of Human Resources; and the Deputy Assistant Administrator, Bureau for Management, Office of Human Resources (DAA/M/HR); Office of the Inspector General (IG/RM), are responsible for:

- a. Approving or denying leave recipient and leave donor applications and waivers of limitations.
- b. Notifying the payroll office of a leave recipient in another federal agency of the amount of approved leave to be transferred to the recipient's annual leave account from an approved Agency leave donor.
- c. Maintaining records, reports, and other materials on the program.

2. The Deputy Assistant Administrator, Bureau for Management, Office of Human Resources (DAA/M/HR) is responsible for:

Making the final determination on an employee's appeal regarding a disapproved leave recipient application. The Inspector General makes the final decision for employees assigned to the Office of the Inspector General.

3. Prospective leave recipient (or designee) and leave donor are responsible for:

Timely submission of appropriate applications.

4. Approved Leave Recipient (or designee) is responsible for:

- a. Finding donor(s). The leave recipient has the option to request that the Administrative Management Staff (AMS) or Executive Officer issue a bureau/office or Agency-wide notice informing employees of the need for donated annual leave.
- b. Keeping the supervisor informed of the status of the medical emergency.
- c. Providing the Agency with adequate documentation concerning the medical emergency to support the leave donation request.

5. Timekeepers are responsible for:

- a. Completing the Voluntary Leave Transfer Program Transactions, Form AID 760-46 (2/97) and the Voluntary Leave Transfer Program Manual Log, AID Form 760-47 (2/97).
- b. Maintaining leave donor's and leave recipient's time and attendance using the appropriate codes set forth in the American Electronic Time and Attendance System (AETA).

6. Controllers in USAID Missions are responsible for:

Identifying through the AETA system leave recipient's use of transferred leave and notifying the Payroll Division (M/FM/P) when the medical emergency ends.

7. Supervisors are responsible for:

- a. Completing appropriate sections of leave transfer applications.

- b. Ensuring that employee provides required medical certification (**See E482.5.1b**).
- c. Advising employee of approval/disapproval of leave recipient application.
- d. Monitoring the status of the recipient's medical emergency to make certain the employee continues to be affected by the emergency for which the employee was approved to be a leave recipient.
- e. Notifying the timekeeper when the leave recipient's medical emergency ends.
- f. Monitoring the recipient's accrued, restored and transferred leave records.

8. The Payroll Division, Office of Financial Management (M/FM/P), is responsible for:

- a. Processing leave transactions sent by approving officials and other agencies when the leave donor is from another federal agency.
- b. Establishing separate accounts for transferred leave and for annual leave and sick leave accrued by a leave recipient and making certain through the payroll system that the recipient does not accrue more than 40 hours each of annual leave and sick leave while in a shared leave status.

482.4 Definitions (See [ADS GLOSSARY](#))

APPROVING OFFICIALS
 DESIGNEE
 FAMILY MEMBER
 INTIMIDATE, THREATEN, OR COERCE
 LEAVE DONOR
 LEAVE RECIPIENT
 MEDICAL EMERGENCY
 SHARED (OR TRANSFERRED) LEAVE STATUS

482.5 POLICY

* **The statements contained within the .5 section of this ADS chapter are the official Agency policies and corresponding essential procedures.**

482.5.1 APPLICATION TO BECOME A LEAVE RECIPIENT

A prospective leave recipient must submit a leave recipient application and supporting documentation (**See E482.5.1**).

The Agency shall accept an application submitted by another USAID employee on behalf of a prospective leave recipient, if the employee is not capable of filing an application, provided that the approving official (**See 482.3**) is satisfied that the applicant is acting for and has the permission of the employee.

E482.5.1 Application to Become a Leave Recipient

A prospective leave recipient must submit a completed, signed, and dated Form AID 760-44 (2/97), Voluntary Leave Transfer Program Leave Recipient Application to the supervisor.

- a) An employee must submit a leave recipient application within 90 days after the termination of the medical emergency, in order for the application to be considered for approval. Exceptions will be considered by the approving official (**See 482.3**) only in compelling circumstances. Requests for an exception must be submitted in writing by the applicant and include specific reasons for granting the exception.
- b) Pursuant to 5 CFR 630.904, the leave recipient application must be accompanied by documentation that includes the nature, severity, and anticipated duration of the medical emergency, and, if it is a recurring one, the approximate frequency, and certification by a physician or other appropriate expert specifying the patient's condition, diagnosis/prognosis and anticipated duration of condition. The supervisor has the right to request additional documentation, as needed.
- c) If the medical emergency affects a family member, the employee must provide a brief description of the situation and relevant circumstances and supporting documentation; e.g., family member's medical certification.
- d) The Agency shall reimburse a leave recipient, upon submission of written proof of payment, for the cost of medical certifications the Agency requests beyond the initial certification.

482.5.2 APPROVAL OF APPLICATION TO BECOME A LEAVE RECIPIENT

Supervisors and approving officials shall adhere to the procedures and time frames set forth in section E482.5.2 for processing leave recipient applications.

E482.5.2 Approval of Application to Become a Leave Recipient

In determining whether a medical emergency is likely to result in a substantial loss of income, the applicant's supervisor shall determine whether the employee's absence from duty without paid leave because of a medical emergency 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, the average number of hours of work in the employee's biweekly work schedule and that the application is completed, signed and dated. The supervisor, no later than three workdays after receipt of the application, forwards the application to the appropriate approving official **(See 482.3)**.

a) The Approving Official: The appropriate approving official **(See 482.3)** approves or denies a leave recipient application no later than nine workdays after the date the application was received by the applicant's supervisor and informs the supervisor through the AMS or Executive Officer of the outcome. Copies of the approved leave recipient application shall be forwarded to the supervisor and the Payroll Division (M/FM/P).

b) The Supervisor: The supervisor, no later than the tenth workday of receipt of the application, provides written notification of the outcome to the leave recipient (or the personal representative who made application on behalf of the leave recipient) and forwards an approved leave recipient application to the employee's timekeeper. An approval notice must include informing the employee that the employee is responsible for finding leave donors and that Agency donors have the option to request the transfer of annual leave to the employee's leave account. A written notification of disapproval must include reason(s) for denial and advise the employee of appeal rights.

482.5.3 APPEAL

An employee has the right to appeal a disapproved leave recipient application to the Deputy Assistant Administrator for Human Resources (DAA/M/HR), whose decision is final. For OIG employees, the Inspector General will adjudicate.

E482.5.3 Appeal - N/A

482.5.4 APPLICATION TO BECOME A LEAVE DONOR

A prospective leave donor must submit a completed Form AID 760-45 (2/97), Voluntary Leave Transfer Program Leave Donor Application, to the donor's supervisor. The leave donor's supervisor and appropriate approving official (**See 482.3**) shall adhere to the procedures for processing leave donor applications set forth in E482.5.4.

E482.5.4 Application to Become a Leave Donor

Leave donor applications shall be processed as follows:

- a) The leave donor's supervisor reviews the application and ensures that the employee has sufficient leave to make the donation; that all limitations have been observed (**See 482.5.8**); and that the application has been completed, signed and dated. The supervisor forwards the application to the appropriate approving official (**See 482.3**).
- b) The approving official (**See 482.3**) approves or disapproves the leave donor application and sends it to the leave donor's supervisor through the AMS and/or Executive Officer, and a copy of the approved application is forwarded to the Payroll Division and the donor's timekeeper.
- c) The leave donor completes an Application for Leave (Form SF-71), indicating the number of hours of annual leave to be transferred and entering in the "remarks" block of the form: "Annual leave transferred to (name of recipient)."

482.5.5 TRANSFER OF ANNUAL LEAVE

The transfer of annual leave to leave recipients approved under the program is subject to the following conditions and requirements:

- a) Except as provided in section E482.5.5, an Agency employee shall request transfer of leave only to another Agency employee approved as a leave recipient.
- b) The Agency will accept the transfer of leave from an employee of another federal agency if the employee is a family member of an approved Agency leave recipient, if the Agency determines that the amount of leave donated within the Agency is insufficient to meet the needs of the approved Agency leave recipient, or if the Agency determines that the transfer of leave from another federal agency would further the program's intent.

c) Annual leave shall not be transferred from a leave donor to the donor's immediate supervisor.

d) A leave recipient has the right to substitute retroactively donated leave for periods of leave without pay or advanced leave used from the beginning of the medical emergency for which the transferred leave account was established.

E482.5.5 Transfer of Annual Leave

a) Leave Transfer from Another Federal Agency

1. The USAID leave recipient or designee must arrange for the leave donor's federal agency to send a copy of the donor's approved application directly to the Payroll Division and to the recipient's timekeeper.

2. An overseas post may accept leave donated from employees of other federal agencies at the leave recipient's post. The post is not required to determine whether transferred leave is available from USAID/W employees.

b) Leave Transferred to Another Federal Agency

1. Upon receipt of an USAID leave donor's approved application, the Payroll Division will reduce the amount of annual leave credited to the donor's annual leave account.

2. The approving office (M/HR/POD, M/HR/EM, or IG/RM, as appropriate) shall notify the leave recipient's federal agency in writing of the amount of annual leave to be transferred to the recipient's annual leave account.

482.5.6 ACCRUAL OF ANNUAL AND SICK LEAVE

a) While the leave recipient is in a shared leave status, the employee is able to accrue annual leave and sick leave at the same rate as if the employee were in a paid leave status except the maximum amount of annual leave and sick leave that an employee is able to accrue is limited to 40 hours of each, or in the case of a part-time employee, the average number of hours of work in the employee's weekly work schedule.

b) Annual leave and sick leave accrued by a leave recipient shall be credited to a special leave account, and that leave will be available for use:

1. As of the beginning of the first applicable pay period on or after the date on which the leave recipient's medical emergency ends; or
2. If the leave recipient's medical emergency has not yet terminated, once the recipient has exhausted all leave donations made available under this program.

E482.5.6 Accrual of Annual and Sick Leave - N/A

482.5.7 USE OF TRANSFERRED ANNUAL LEAVE

A leave recipient shall adhere to the following conditions and requirements when using transferred leave:

- a) A leave recipient personally affected by the medical emergency must exhaust all restored and accrued annual leave and sick leave before using transferred leave.
- b) In medical emergencies other than personal, a leave recipient must use all annual leave before using transferred leave. Under 5 CFR 630.405, a leave recipient shall also be required to use the specified amount of sick leave allowable (up to a total of 13 workdays each leave year) to care for a family member with a medical emergency before using donated leave.
- c) A leave recipient must use leave transferred to the recipient's account only for the purpose of the medical emergency for which the recipient was approved.
- d) Under 5 CFR 630.911, if a leave recipient elects to buy back annual leave as a result of a claim for an employment-related injury under the Federal Employee's Compensation Act, Office of Workers Compensation Programs (OWCP), the amount of annual leave bought back by the leave recipient shall be restored to the leave donor(s).
- e) The use of transferred annual leave is subject to all of the conditions and requirements imposed by law, regulation, or Agency policy concerning leave approval and usage.
- f) Transferred leave shall not be:
 - I. Transferred to a leave recipient other than the recipient specified to receive the leave;

2. Included in a leave recipient's lump-sum payment.
3. Made available for recredit upon reemployment by a federal agency; or
4. Used after the leave recipient's medical emergency ends.

E485.5.7 Use of Transferred Annual Leave

For time and attendance purposes, the timekeeper shall use the American Electronic Time and Attendance (AETA) code Donated Leave or "DL" to record the use of donated leave by an approved leave recipient.

482.5.8 LIMITATIONS ON DONATION OF ANNUAL LEAVE

Leave donors shall adhere to the following conditions and requirements in making leave donations under the program:

- a) There is no required minimum amount of leave that each leave donor must transfer, but because of the time it will take to administratively transfer the leave, donations of eight hours or more will be processed first in order to minimize any hardship to the leave recipient, and lesser donations processed only on an as-needed basis.
- b) In accordance with 5 CFR 630.906, annual leave shall not be transferred from a leave donor to the donor's immediate supervisor.
- c) Under 5 CFR 630.12, only restored or accrued annual leave shall be donated by a leave donor.
- d) Pursuant to the limitations set forth in 5 CFR 630.908, a leave donor shall not donate in any one leave year more than half of the amount of annual leave the donor would be entitled to accrue during the leave year in which the transfer is made.
- e) In addition to the limitation in section 482.5.8d, a leave donor projected to lose annual leave at the end of the leave year must donate no more than the number of hours actually remaining (scheduled to work) in the leave year. (For example, a full-time employee who earns eight hours of annual leave per pay period has the option of donating up to a maximum of 104 hours in a year in accordance with 482.5.8d but only if there are 104 work hours remaining in the leave year.)

f) The approving official (**See 482.3**) has the option to grant exceptions to the limitations in sections E482.5.8d and E482.5.8e in unusual circumstances. Requests for a waiver must be documented in writing and include specific reasons for granting the exception. An example of a valid reason for granting a waiver would be a case where there is insufficient donated leave to carry the leave recipient through the period of the medical emergency or when family members wish to donate leave.

E482.5.8 Limitations on Donation of Annual Leave - N/A

482.5.9 TERMINATION OF MEDICAL EMERGENCY

The medical emergency affecting a leave recipient shall terminate:

- a) When the leave recipient's federal employment is terminated;
- b) At the end of the pay period in which the leave recipient (or designee) provides written notice that the recipient is no longer affected by a medical emergency;
- c) At the end of the pay period in which the Agency determines, after written notice and opportunity for the leave recipient to respond orally or in writing, that the recipient no longer is affected by a medical emergency;
- d) At the end of the pay period in which the Agency is notified by the U.S. Office of Personnel Management that it has approved the leave recipient's application for disability retirement.

E482.5.9 Termination of Medical Emergency - N/A

482.5.10 MONITORING THE USE OF TRANSFERRED LEAVE

The Agency shall monitor the use of transferred leave by leave recipients in accordance with procedures set forth in section E482.5.10.

E482.10 Monitoring the Use of Transferred Leave

- a) The leave recipient (or designee) must submit a monthly written status report to the recipient's supervisor and include a statement that the medical emergency continues and note any changes in the situation as specified in the original application, e.g., duration of the emergency.

b) The leave recipient (or designee) must provide immediate written notification to the recipient's supervisor when the medical emergency ends. **(See 482.5.9)**

c) The leave recipient's timekeeper processes the AETA record and sends copies of the recipient's notification that the recipient's medical emergency has ended; the completed Form AID 760-46, Transactions Sheet **(See Supplementary Reference, [Voluntary Leave Transfer Program Transactions, Form AID 760-46 \(2/97\)](#))**; and the Manual Log **(See Supplementary Reference, [Voluntary Leave Transfer Program Manual Log, AID Form 760-47 \(2/97\)](#))** to the Payroll Division.

482.5.11 RESTORATION OF TRANSFERRED ANNUAL LEAVE

The Payroll Division will transfer unused leave to the annual leave accounts of leave donors who contributed to the leave recipient and are employed by the Agency on the date the leave recipient's medical emergency ends and to the payroll office of another federal agency, as appropriate. If a leave donor has retired from federal service, died, or is otherwise separated from federal service before the date unused transferred leave can be restored, the transferred leave will not be restored to that leave donor.

E482.5.11 Restoration of Transferred Annual Leave

The amount of leave to be restored to each leave donor shall be determined in accordance with procedures specified in 5 CFR 630.911.

482.5.12 PROHIBITION OF COERCION

Pursuant to 5 CFR 630.912, an employee shall not intimidate, threaten, or coerce any other employee with respect to donating, receiving, or using annual leave.

E482.5.12 Prohibition of Coercion - N/A

482.5.13 RECORDS AND REPORTS

The approving official designated in section 482.3 shall maintain documents on each individual leave transfer to comply with recordkeeping and reporting requirements in section E482.5.13 and 5 CFR 630.913.

E482.5.13 Records and Reports

The following documents on individual leave transfers shall be retained by the approving official: approved and disapproved leave recipient and

donor applications, Applications for Leave (SF-71s), grade of approved leave recipients and donors, number of hours transferred to each leave recipient, number of transferred hours used by each recipient, written notice of termination of the medical emergency, and any other material pertinent to each leave recipient or donor. Leave transfer documents must be maintained separately from other employee personnel files.

482.5.14 CONFIDENTIALITY

In the interest of preserving the privacy of leave recipients and donors under this program, employees with access to information related to an individual leave transfer must not disclose information to anyone except to individuals who have a need to know for purposes of administering the program or to individuals who have the express written permission of the donor or recipient to release specific information.

E482.5.14 Confidentiality - N/A

482.6 Supplementary References

[Voluntary Leave Transfer Program Leave Recipient Application, Form AID 760-44 \(2/97\)](#)

[Voluntary Leave Transfer Program Leave Donor Application, Form AID 760-45 \(2/97\)](#)

[Voluntary Leave Transfer Program Transactions, Form AID 760-46 \(2/97\)](#)

[Voluntary Leave Transfer Program Manual Log, AID Form 760-47 \(2/97\)](#)

482.7 Mandatory Reference - N/A