



ADS Chapter 482

Voluntary Leave Transfer Program

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 ADS Chapter 482 – Voluntary Leave Transfer Program
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Table of Contents

482.1 OVERVIEW..... 4

482.2 PRIMARY RESPONSIBILITIES 4

482.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES.... 6

482.3.1 Application to Become a Leave Recipient..... 6

482.3.2 Approval of Application to Become a Leave Recipient 7

482.3.3 Appeal..... 8

482.3.4 Annual Leave Donations 8

482.3.5 Transfer of Annual Leave..... 9

482.3.6 Accrual of Annual and Sick Leave 10

482.3.7 Use of Transferred Annual Leave..... 10

482.3.8 Limitations on Donation of Annual Leave 12

482.3.9 Termination of Medical Emergency 13

482.3.10 Monitoring the Use of Transferred Leave 13

482.3.11 Restoration of Transferred Annual Leave 13

482.3.12 Prohibition of Coercion 14

482.3.13 Transfer of Leave Recipient..... 14

482.3.14 Records and Reports 14

482.3.15 Confidentiality..... 14

482.4 MANDATORY REFERENCES 15

**Text highlighted in yellow indicates that the adjacent material is new or substantively revised.*

<u>482.4.1</u>	<u>External Mandatory References</u>	<u>15</u>
<u>482.4.2</u>	<u>Internal Mandatory References</u>	<u>15</u>
<u>482.4.3</u>	<u>Mandatory Forms</u>	<u>15</u>
<u>482.5</u>	<u>ADDITIONAL HELP</u>	<u>15</u>
<u>482.6</u>	<u>DEFINITIONS</u>	<u>16</u>

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Functional Series 400: Personnel

ADS Chapter 482 – Voluntary Leave Transfer Program

482.1 OVERVIEW

Effective Date: 05/19/2014

This chapter provides the policies and procedures for USAID's Voluntary Leave Transfer Program (VLTP) under which the unused accrued and restored annual leave of one agency employee may be transferred to another employee who needs such leave because of a medical emergency. [Title 5 Code of Federal Regulations \(CFR\), Part 630 Subpart I](#) provides the regulations for the Voluntary Leave Transfer Program.

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.

482.2 PRIMARY RESPONSIBILITIES

Effective Date: 05/19/2014

- a. **The Chief, or designee, Office of Human Resources, Employee and Labor Relations Division (OHR/ELR)** is responsible for:
1. Approving or disapproving leave recipient and leave donor applications and waivers of limitations;
 2. Notifying the leave recipient (or personal representative) of the approval or disapproval of the application under the program;
 3. 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; and
 4. Maintaining records, reports, and other materials on the program.
- b. The **Chief Human Capital Officer (CHCO), or designee**, is responsible for making the final determination on an employee's appeal regarding a disapproved leave recipient application.
- c. **Prospective leave recipient (or personal representative)** is responsible for the timely submission of an application.
- d. **Approved Leave Recipient (or personal representative)** is responsible for:

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1. 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. A leave recipient may elect not to identify himself or herself in the notice;
 2. Keeping the supervisor informed of the status of the medical emergency and its termination; and
 3. Providing the Agency with adequate documentation concerning the medical emergency to support the leave donation request.
- e. **Supervisors** are responsible for:
1. Completing appropriate sections of the leave transfer application;
 2. Ensuring that the employee provides required medical certification (see **482.3.1b**);
 3. Advising the employee of his or her recommendation for approval or disapproval of his or her leave recipient application;
 4. 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; and
 5. Monitoring the recipients accrued, restored, and transferred leave records.
- f. The **Bureau for Management, Office of the Chief Financial Officer, Payroll Division (M/CFO/P)**, is responsible for:
1. Processing leave transactions sent by approving officials and from other agencies when the leave donor is from another federal agency; and
 2. Establishing separate accounts for transferred leave and for annual and sick leave accrued by a leave recipient. M/CFO/P must ensure that the recipient does not accrue more than 40 hours each of annual leave and 40 hours of sick leave while in a shared leave status.
- g. The **Office of the Inspector General (OIG)** administers the VLTP for OIG employees.

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482.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

Effective Date: 05/19/2014

The following policies and procedures apply to:

- Employees who have exhausted all their available paid leave and apply to become donated leave recipients because of a personal or family medical emergency, and
- Employees who wish to donate annual leave directly to those employees.

Available paid leave includes an employee's accrued, accumulated, recredited, and restored annual or sick leave. It 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, or
- Other forms of paid time off (for example, compensatory time off for travel or in lieu of paid overtime pay).

482.3.1 Application to Become a Leave Recipient

Effective Date: 05/19/2014

A prospective leave recipient must submit a leave recipient application and supporting documentation.

The Agency will accept an application submitted by a personal representative (such as a domestic partner or another USAID employee) on behalf of a prospective leave recipient, if the employee is not capable of filing an application, provided that the deciding official (see **482.2**) is satisfied that the personal representative is acting for and has the permission of the employee.

A prospective leave recipient must submit a completed, signed, and dated [OPM 630, Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program](#), to his or her supervisor.

- (a) 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 with respect to the medical emergency. Any requests

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for additional documentation must be coordinated with the Chief, OHR/ELR.

- (b) 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.
- (c) The Agency reimburses a leave recipient, upon submission of written proof of payment, for the cost of medical certifications the Agency requests beyond the initial certification.

482.3.2 Approval of Application to Become a Leave Recipient

Effective Date: 05/19/2014

Supervisors and deciding officials must adhere to the procedures and time frames for processing leave recipient applications.

In determining whether a medical emergency is likely to result in a substantial loss of income, the applicant's supervisor determines whether

- (1) 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
- (2) The application is completed, signed, and dated.

The supervisor, no later than three workdays after receipt of the application, forwards the application, with a recommendation for approval or disapproval, to the deciding official in OHR/ELR for approval or disapproval action (see 482.2).

The deciding official (see 482.2) approves or disapproves a leave recipient application within 10 workdays after the date the application is received from the applicant's supervisor.

- (a) If the application is approved, then the deciding official (or designee) notifies the potential leave recipient (or personal representative who filed the application on behalf of the potential leave recipient) that his or her application has been approved, that he or she 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. Copies of the approved leave recipient application are distributed to the supervisor, the

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Administrative Management Staff (AMS) or Executive Officer, and the Payroll Division (M/CFO/P).

- (b) If the application is not approved, then the deciding official (or designee) must notify the potential leave recipient (or personal representative who filed the application on behalf of the potential leave recipient) in writing that the application was not approved and must give the reason(s) for disapproval and advise the employee of appeal rights. The deciding official (or designee) must share a copy of the disapproval notification with the supervisor.

482.3.3 Appeal

Effective Date: 05/19/2014

An employee has the right to appeal a disapproved leave recipient application to the Chief Human Capital Officer (CHCO) (or designee). The appeal must be submitted in writing within 60 workdays following receipt of the disapproved application and include the following documentation:

- A copy of the written notification of denial,
- The original application package, and
- Any supplemental information the employee wishes to submit to justify a more favorable decision.

The CHCO (or designee) must render a decision within 10 workdays after the appeal is received in OHR. The decision rendered is final.

482.3.4 Annual Leave Donations

Effective Date: 05/19/2014

Leave donors in USAID make annual leave donations electronically through the webTA application by:

- Clicking on the Leave/Prem Pay button,
- Clicking on the Donation button,
- Clicking on the Search button on the Leave Account,
- Selecting the leave recipient's name from the list in the webTA system, and

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- Making the donation.

482.3.5 Transfer of Annual Leave

Effective Date: 05/19/2014

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

- An Agency employee must request transfer of annual leave only to another Agency employee approved as a leave recipient.
- 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.
- Annual leave must not be transferred from a leave donor to the donor's immediate supervisor.
- A leave recipient may elect 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.

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 (M/CFO/P) and to the recipient's supervisor.
2. A Mission may accept leave donated from employees of other federal agencies at the leave recipient's post of assignment. The post is not required to determine whether transferred leave is available from USAID/W employees.

b. Leave Transferred to Another Federal Agency

1. An employee who wishes to donate leave to an employee of an agency other than USAID may apply to do so by completing [OPM 630-B, Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program \(Outside Agency\)](#) and submitting it to OHR/ELR along with a point of contact name, fax/telephone number,

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and email address of an individual in the recipient's agency. If available, a copy of the recipient's approved application should be attached to the 630-B form.

2. Upon receipt of a USAID leave donor's approved request, the Payroll Division reduces the amount of annual leave credited to the donor's annual leave account.
3. The approving office, OHR/ELR, must 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.

482.3.6 Accrual of Annual and Sick Leave

Effective Date: 10/03/2002

- (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 and sick leave accrued by a leave recipient is 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.

482.3.7 Use of Transferred Annual Leave

Effective Date: 05/19/2014

A leave recipient must 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 and sick leave before using transferred leave.

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- (b) In medical emergencies other than personal, a leave recipient must use all annual leave and all available sick leave up to a total of 12 weeks (480 hours) before using transferred leave. Note: An employee is entitled to use a total of 12 weeks (480 hours) of sick leave each year for all family care purposes. This means if the employee is applying for the VLTP for a medical emergency affecting a family member and the employee has already exhausted his or her entitlement to 12 weeks (480 hours) of sick leave for family care in that leave year, any remaining sick leave is not considered available paid leave and he or she would not be required to exhaust his or her sick leave balance before being eligible for 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) In the case of pregnancy and childbirth, if either the birth mother or father (or domestic partner) exhausts her or his annual and sick leave, he or she is eligible to receive transferred leave. Donated annual leave may be used only for a medical emergency (for example, the mother's period of incapacitation, the illness of a child, or to care for the mother) and may not be used to care for a healthy child.
- (f) 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.
- (g) Transferred leave must not be:
1. 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.

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For time and attendance purposes, the leave recipient must use the webTA system to record the use of donated leave by an approved leave donor.

482.3.8 **Limitations on Donation of Annual Leave**

Effective Date: 05/19/2014

Leave donors must 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 all donations must be in whole hour amounts (e.g., 1 hour, not 1.5 hours or any other fractional amount). Because of the time it takes to administratively transfer the leave, donations of eight hours or more are 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 must not be transferred from a leave donor to the donor's immediate supervisor.
- (c) Only restored or accrued annual leave can be donated by a leave donor.
- (d) Pursuant to the limitations set forth in [5 CFR 630.908](#), a leave donor must 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 **482.3.8d**, 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 **482.3.8d** but only if there are 104 work hours remaining in the leave year.
- (f) The deciding official in [OHR/ELR](#) (see **482.2**) has the option to grant exceptions to the limitations in sections **482.3.8d** and **482.3.8e**. 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.

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482.3.9 Termination of Medical Emergency

Effective Date: 05/19/2014

The medical emergency affecting a leave recipient will 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 **personal representative**) 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; and/or
- (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.

482.3.10 Monitoring the Use of Transferred Leave

Effective Date: 05/19/2014

The Agency must monitor the use of transferred leave by leave recipients in accordance with procedures in section **482.3.10**.

- (a) **The leave recipient (or personal representative) must provide periodic reports to the recipient's supervisor and note any changes in the status of the medical emergency.**
- (b) The leave recipient (**or personal representative**) must provide immediate written notification to the recipient's supervisor when the medical emergency ends (see **482.3.9**)
- (c) The leave recipient (**or office timekeeper in the absence of the leave recipient**) processes the **webTA** record and sends copies of the recipient's notification that the recipient's medical emergency has ended to the Payroll Division.

482.3.11 Restoration of Transferred Annual Leave

Effective Date: 10/03/2002

The Payroll Division transfers unused leave to the annual leave accounts of leave donors who contributed to the leave recipient and are employed by the Agency on the

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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 must not be restored to that leave donor.

The amount of leave to be restored to each leave donor is determined in accordance with [5 CFR 630.911](#).

482.3.12 Prohibition of Coercion

Effective Date: 10/03/2002

Pursuant to [5 CFR 630.912](#), an employee must not intimidate, threaten, or coerce any other employee with respect to donating, receiving, or using annual leave.

482.3.13 Transfer of Leave Recipient

Effective Date: 05/19/2014

USAID must use OPM 630-C for the purpose of recording the status of a current leave recipient under the Voluntary Leave Transfer Program when he or she transfers to another federal agency without a break in service. The approving office, OHR/ELR must complete this form and forward it to the employing agency to which the employee is transferring.

482.3.14 Records and Reports

Effective Date: 05/19/2014

The deciding official designated in **482.2** maintains documentation on each individual leave transfer to comply with recordkeeping and reporting requirements in **482.3.14** and [5 CFR 630.913](#).

The following documents on individual leave transfers must be retained by the deciding official:

- Approved and disapproved leave recipient applications,
- Written notice of termination of the medical emergency, and
- Any other material pertinent to each leave recipient.

Leave transfer documents must be maintained separately from other employee personnel files.

482.3.15 Confidentiality

Effective Date: 10/03/2002

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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 written permission of the donor or recipient to release specific information.

482.4 MANDATORY REFERENCES

482.4.1 External Mandatory References

Effective Date: 10/03/2002

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

482.4.2 Internal Mandatory References

Effective Date: 10/03/2002

There are no Internal Mandatory References for this chapter.

482.4.3 Mandatory Forms

Effective Date: 05/19/2014

- a. [OPM 630, Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program](#)
- b. [OPM 630B, Request to Donate Annual Leave to Leave to Leave Recipient Under the Voluntary Leave Program \(Outside Agency\)](#)
- c. [OPM 630C, Transfer of Leave Records for Leave Recipient Covered by the Voluntary Leave Transfer Program](#)

482.5 ADDITIONAL HELP

Effective Date: 10/03/2002

There are no Additional Help documents for this chapter.

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482.6 DEFINITIONS

Effective Date: 05/19/2014

The terms and definitions listed below have been included in the ADS Glossary. See the [ADS Glossary](#) for all ADS terms and definitions.

available paid leave

Available paid leave includes an employee's accrued, accumulated, re-credited, and restored annual or sick leave. It 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, or other forms of paid time off (for example, compensatory time off for travel or in lieu of paid overtime pay). (Chapter 482)

deciding officials

Chief, Employee and Labor Relations Division, Office of Human Resources (OHR/ELR) and the Chief Human Capital Officer (CHCO/OHR) or designee, in the case of an appeal of a disapproval decision by OHR/ELR. (Chapter 482)

domestic partner

An adult in a committed relationship with another adult, including both same-sex and opposite-sex relationships. (See [5 CFR 630.902](#) Definitions) (Chapter 482)

family member

An individual with any of the following relationships to the employee:

- (1) Spouse and parents thereof;
- (2) Sons and daughters and spouses thereof;
- (3) Parents and spouses thereof;
- (4) Brothers and sisters and spouses thereof;
- (5) Grandparents and grandchildren and spouses thereof;
- (6) Domestic partner and parents thereof, including domestic partners of any individual in subparagraph (2) through (5) of this definition; and
- (7) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship in accordance with [5 CFR 630.902](#). (Chapter 482)

intimidate, threaten, or coerce

The promise or attempt to confer or conferring any benefit, such as an appointment, promotion, or compensation, or effecting or threatening to effect any reprisal such as deprivation of appointment, promotion, or compensation, or in any other way intimidate, threaten, or coerce. (Chapter 482)

leave donor

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A leave donor is an employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient is approved by his or her employing agency. (**Chapter 482**)

leave recipient

A federal employee whose application to receive annual leave from the annual leave accounts of one or more leave donors has been approved by the Agency's deciding official. (**Chapter 482**)

medical emergency

A medical condition of an employee or a family member of such employee that is likely to require the employee's prolonged absence from duty and to result in a substantial loss of income to the employee because of the unavailability of paid leave. (**Chapter 482**)

personal representative

An individual who applies under the Voluntary Leave Transfer Program on behalf of a USAID employee to become a leave recipient. (**Chapter 482**)

shared leave status

The administrative status of an employee while an employee who is an approved leave recipient is using transferred leave. (**Chapter 482**)

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