

U.S. Department of Housing and Urban Development

ADMINISTRATION

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Special Attention of:

Transmittal Handbook No.: 600.3

Issued: June 29, 1989

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1 This Transmits

Handbook 600.3, Voluntary Leave Transfer Program.

2. Purpose:

This Handbook establishes the Department's policy on the Voluntary Leave Transfer Program which begins on April 30, 1989 and terminates on October 31, 1993.

3. Filing Instructions:

Remove:

Notice 88-0010 ADM,  
dated October 17, 1988

Insert:

Handbook 600.3, dated  
June 1989

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VOLUNTARY LEAVE TRANSFER PROGRAM

1. PURPOSE

This Handbook sets forth the procedures and requirements for a voluntary leave transfer program which begins on April 30, 1989, and terminates on October 31, 1993. Under this program, employees of the Department of Housing and Urban Development (HUD) may donate accrued annual leave to other employees who have insufficient leave available to cover absences from work because of a medical emergency.

2. EXCLUSIONS

The voluntary leave transfer program does not apply to HUD employees who do not earn leave.

3. REFERENCES

- a. Public Law 100-566, which pertains to the establishment of the voluntary leave transfer program.
- b. Title 5, United States Code (U.S.C.), Chapter 63, which is the statutory basis for leave administration in the Federal Government.
- c. Title 5, Code of Federal Regulations (CFR), part 630, which contains office of Personnel Management regulations concerning leave administration.

4. 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 account of one or more leave donors.
- c. "Medical emergency" means a medical condition of an employee or a family member of an employee that is likely to require the 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.
- d. "Substantial loss of income" in paragraph 4c and elsewhere in this Handbook means an absence from duty without available paid leave which has been, or is expected to be, at least 80 hours in duration for full-time employees or, for part-time employees, the number of hours in the employee's biweekly tour of duty.

- e. "Agency" means an "Executive agency," as defined in 5 U.S.C. 105; a "military department," as defined in 5 U.S.C. 102; or any other entity of the Federal Government that employs officers or employees to whom 5 U.S.C. 6301 applies. Agency does not include the Central Intelligence Agency; the Defense Intelligence Agency; the National Security Agency; the Federal Bureau of Investigation; or any other Executive agency or unit thereof, whose principal function is the conduct of foreign intelligence or counterintelligence activities. In addition, agency does not include the government of the District of Columbia.
- f. "Family member" means the following relatives of the employee:
  - 1. Spouse, and spouse's parents;
  - 2. Children, including adopted children, and their spouses;
  - 3. Parents;
  - 4. Brothers and sisters, and their spouses; and
  - 5. Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- g. "Servicing Personnel Office Coordinator" means the individual designated to coordinate the Headquarters or Regional leave transfer activities.

5. APPLICATION TO BECOME A LEAVE RECIPIENT

- a. A HUD employee who has been affected by a medical emergency (see definition in 4c) may apply to the Evaluation and Systems Division (ESD), Room 2140 in Headquarters, to become a leave recipient. If an employee is incapable of making the application, another HUD employee may apply on his or her behalf, providing that he/she obtains written consent from the potential leave recipient or responsible family member or other person empowered to act on behalf of the potential leave recipient. A copy of the application should be sent to the Servicing Personnel Office Coordinator.
- b. The application must be in writing and must include:
  - (1) The name, position title, grade, or pay level, and organization of the potential leave recipient;
  - (2) The name of the person submitting the application, if other than the potential leave recipient, and a copy of the written consent required in paragraph 5a;

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- (3) The reasons why transferred leave is needed, including a brief description of the nature, severity, and anticipated duration of the medical emergency, and if it is a recurring one, the approximate frequency of the medical emergency;
  - (4) Certification from a physician, or other appropriate expert, with respect to the medical emergency. The employee may use the certification statement on the back of the SF-71, Application for Leave, to meet this requirement. If HUD requests the applicant to provide medical documentation of the emergency from more than one source, HUD will pay for the second certification.
  - (5) The date when the medical emergency began; that is, when available paid leave was exhausted and the employee began using advanced leave and/or leave without pay in connection with the medical emergency; and
  - (6) The total number of hours of advanced leave and/or leave without pay used or expected to be used for the medical emergency.

#### 6. REVIEW OF APPLICATION AND NOTIFICATION OF DECISION

##### a. ESD will determine:

- (1) Whether the applicant has been affected by a medical emergency as defined in paragraph 4; and
- (2) Whether the resulting absence from duty without available paid leave has been, or is expected to be, at least 80 hours (or in the case of a part-time employee, the number of hours in the employee's biweekly scheduled tour of duty).

##### b. Within 10 workdays from receipt of the application, ESD will notify the applicant whether the application was approved. If the application was made on behalf of the potential leave recipient by another HUD employee, a copy of the notification will also be sent to that employee.

- (1) If the application is approved, the notification will so state, and it will inform the leave recipient that other HUD employees may transfer annual leave to the recipient's leave account. A copy of the approved application will be sent to the appropriate Servicing Personnel Office (SPO) which will hold it for donors' written authorizations to transfer leave to that applicant's account; and
  - (2) If the application is not approved, the notification will state the reasons for disapproval. A copy of the notification will be sent to the SPO. The employee rejection letter will include notification of his/her right to grieve the matter.
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7. DONATION TO APPROVED LEAVE RECIPIENTS

- a. Approved leave recipients may solicit donations of leave from eligible Federal employees or receive help in making such solicitations.
- b. HUD 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 HUD employee who is an approved leave recipient. Leave that a donor may transfer to other employees is subject to the following restrictions.

- (1) Employees are prohibited from donating leave to either their first or second-line supervisor.
- (2) Only earned annual leave may be donated. This includes leave already accrued during the current leave year, leave carried over from the previous leave year, and leave that has been restored. However, the total amount of leave an employee may donate cannot exceed an amount equal to one-half of the number of hours the employee will earn in the current leave year. For full-time employees, the limits are:

Leave Category 8 = 104 hours  
Leave Category 6 = 80 hours  
Leave Category 4 = 52 hours

- (3) In the case of a leave donor who is projected to have "Use or lose" leave, the maximum amount of annual leave that may be donated during the leave year shall be the lesser of :
- (a) 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; or
- (b) The number of hours remaining in the leave year (as of the date of the transfer) for which the leave donor is scheduled to work and receive pay.

Upon written request by the potential leave donor, ESD will waive the limitations on donations of "use or lose" leave when: (1) the donated leave does not exceed the number of hours required to keep the recipient in a pay status for the remainder of the medical emergency; and (2) there is an insufficient amount of leave available from other donors. The potential leave donor will be notified in writing of the action taken on the request for waiver. A copy of the notification will be sent to the SPO Coordinator.

8. MAKING DONATIONS OF LEAVE

- a. The SPO Coordinator will promptly review and certify all donation requests which meet the foregoing eligibility requirements. The certified requests will be forwarded to ESD for processing of transfers between leave accounts. Donated leave will normally be processed and credited to recipient's account within two pay periods.
- b. Donation requests which cannot be accepted will be returned by the SPO coordinator to the potential donor.
- c. HUD employees may accept leave donations from eligible employees in other Federal agencies. However, before leave donations may be accepted, the SPO must verify that the donor's employing agency has approved the donation. Donations are 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.
- d. HUD employees who wish to request the transfer of annual leave to approved leave recipients in other agencies should contact their SPO Coordinator or ESD in Headquarters for instructions.

9. USE OF DONATED ANNUAL LEAVE

- a. A leave recipient may use donated annual leave in the same manner and for the same purposes as if he or she had earned the leave, except that any annual leave, and any sick leave, accrued or accumulated by the leave recipient and available for the purpose involved must be exhausted before any transferred annual leave may be used. It may be substituted retroactively for leave without pay (LWOP), or used to liquidate indebtedness for advanced sick or annual leave, so long as the LWOP or advanced leave was taken after the date determined by ESD to be the beginning of the medical emergency.
- b. The use of donated annual leave is subject to all of the conditions and requirements imposed by law and regulations; except that transferred annual leave may accumulate without regard to the usual ceiling of 240 hours.
- c. Donated (transferred) annual leave may not be:
  - (1) Transferred to another leave recipient under the voluntary leave transfer program except as provided in paragraph 12g;
  - (2) Included in a lump-sum payment upon the recipient's separation from Government employment or entry on active military duty;  
or

(3) Recredited under the provisions of 5 U.S.C. 6306.

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10. ACCRUAL OF ANNUAL AND SICK LEAVE

- a. The amount of sick and annual leave a leave recipient may accrue during absences charged to transferred leave is limited by law to no more than 40 hours of sick leave and 40 hours of annual leave. (For part-time employees the limit is equal to the number of hours in the weekly scheduled tour of duty.) The leave accrues at the employee's normal earning rate until the above limits are reached, at which point accrual ceases.
- b. Any leave accrued during periods of absence on transferred leave is manually credited to a deferred annual or sick leave account and cannot be used by the leave recipient during the medical emergency. The deferred leave may be used any time after the beginning of the first pay period following the termination of the medical emergency. If the medical emergency terminates due to separation of the leave recipient from the Federal service, the deferred leave is not included in the lump-sum annual leave payment nor is it available to the employee for any purpose.

11. TERMINATION OF THE MEDICAL EMERGENCY

- a. The leave recipient is responsible for notifying the supervisor, timekeeper, and the SPO Coordinator when the medical emergency has ended. The SPO Coordinator will also monitor the status of the medical emergency.
- b. When the medical emergency terminates, any unused transferred annual leave remaining to the credit of the leave recipient will be restored to the leave donors as specified in paragraph 12. A new request must be made for any future medical emergency.
- c. The medical emergency affecting a leave recipient is terminated:
  - (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;
  - (3) At the end of the pay period in which the leave recipient's SPO determines that the leave recipient is no longer affected by a medical emergency; or
  - (4) At the end of the pay period in which the Department receives notification that the Office of Personnel Management has approved an application for disability retirement for the leave recipient.

- d. When the medical emergency terminates, no further requests to transfer leave to the leave recipient may be granted and no further requests 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 paragraph 12.

12. RESTORATION OF DONATED ANNUAL LEAVE

- a. Donated annual leave remaining to the credit of a leave recipient when the medical emergency terminates shall be restored, to the extent 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. Restoration of donated leave is considered to be administratively infeasible when the donor is no longer employed by HUD and attempts to locate him or her at a last known address have failed, or when the amount of leave to be restored is less than one hour.
- c. The amount of leave to be restored to each donor is computed as follows:
  - (1) The number of hours of unused donated leave is divided by the total number of hours of leave donated to the leave recipient by all leave donors.

Example:

Total number of hours  
of unused donated leave: 64.25

Total number of hours  
of donated leave: 178.00

Ratio Computation: 64.25 divided by 178 = .36

In this example, the ratio of .36 will be used to determine the number of hours of leave to be restored to the leave donors. The next step in the computation is explained in paragraph 12c(2);

- (2) The ratio so obtained is then multiplied by the number of hours donated 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). An example follows.

Example:

		Ratio X Hours Donated =	Hours Restored (rounded to nearest hour)
Employee	A	.36 X 30 = 10.80	11
Employee	B	.36 X 30 = 10.80	11
Employee	C	.36 X 40 = 14.40	14
Employee	D	.36 X 78 = 28.08	28
Total Hours Restored			64

- 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 will be restored.
- e. In no case will the amount of leave restored to a donor exceed the amount donated by the donor.
- f. At the election of the donor, the restored leave may be credited to the donor's current annual leave balance or to the next year's leave balance. In either case, it is subject to the end-of-leave year ceiling (normally 240 hours) for the year in which it is restored. In making this election, donors should consider whether they need, and will be able to use, all of their "use or lose" leave, including the restored leave, before the end of the current leave year. If not, they should choose to have the leave restored for use in the next year.
- g. Donors may also elect to donate part or all of their restored leave to another leave recipient. If they make a partial donation, they may have the remainder restored to either their current or their future leave balance, as described in the preceding paragraph. At the time a leave donor becomes eligible for restoration of annual leave, the donor will be informed in writing of the donor's right to donate such restored leave to another leave recipient.

13. PROHIBITION OF COERCION

- a. 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 under this program.
- b. For the purpose of paragraph (a), 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).

14. TERMINATION OF VOLUNTARY LEAVE TRANSFER PROGRAM

- a. The voluntary leave transfer program terminates on October 31, 1993. Donated annual leave may not be transferred to leave recipients after that date.
- b. Leave recipients whose medical emergency has not terminated on October 31, 1993, may continue to use any donated leave credited to their account on or before October 31, 1993, until the termination of their medical emergency.