

# US. Department of Energy

Washington, D.C.

## ORDER

DOE 3630.2

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9-19-89

SUBJECT: VOLUNTARY LEAVE TRANSFER PROGRAM

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1. PURPOSE. To implement a program under which employees may voluntarily transfer earned annual leave to other employees who have a medical emergency that is likely to result in prolonged absence with substantial loss of income.
  2. EXCLUSIONS.
    - a. Part-time employees who do not have a regular tour of duty, prescribed in advance, on 1 or more workdays during each workweek;
    - b. Presidential appointees; and
    - c. Temporary employees whose total consecutive period of employment is less than 90 days.
  3. REFERENCES.
    - a. Title 5, United States Code (U.S.C.), Chapter 63, which is the statutory basis for leave administration in the Federal Government.
    - b. Title 5, Code of Federal Regulations (CFR), Part 630, which contains Office of Personnel Management (OPM) regulations concerning leave administration.
    - c. DOE 3630.1B, LEAVE ADMINISTRATION, of 12-31-86, which prescribes policies and procedures for leave administration in the Department of Energy (DOE).
  4. DEFINITIONS.
    - a. Earned Leave. Leave accrued during the current leave year, leave carried over from the previous leave year, and leave restored to a separate leave account.
    - b. Family Member. An employee's spouse, and spouse's parents; children, including adopted children, and their spouses; Parents; brothers and sisters and their spouses; and any person related by blood or affinity whose close association with the employee is equivalent to a family relationship.
    - c. Leave Donor. An employee whose voluntary written request for transfer of annual leave to the account of a leave recipient is approved by the Department.

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Office of Personnel  
and Career Development

- d. Leave Recipient. 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.
  - e. Medical Emergency. A medical condition of an employee, or a member of the employee's family, 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.
  - f. Substantial Loss of Income. 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 on regular tours of duty or, for other employees, the average number of hours in the employee's biweekly tour of duty.
  - g. Transferred Leave. Leave that has been donated by one or more employees and transferred to the annual leave account of a leave recipient.
5. ADMINISTRATIVE PROCEDURES. Each servicing personnel office in the Department must establish procedures to administer the leave transfer program in accordance with 5 CFR part 630, subpart I, and this Order. These procedures should include an appropriate means for informing employees of the names of approved leave recipients and of those whose emergencies have terminated.
6. APPLICATION TO BECOME A LEAVE RECIPIENT.
- a. An employee to whom this Order applies and who has been affected by a medical emergency as defined in paragraph 4e may apply to his or her servicing personnel office to become a leave recipient. If the employee is incapable of making the application, a personal representative may apply for the employee. The representative should obtain written consent from the employee or a member of the employee's family to apply for the employee.
  - b. Employees who are no longer affected by a medical emergency may apply to become a leave recipient if the medical emergency caused a substantial loss of income as defined on page 2, paragraph 4f. Applications must be submitted within 30 days after the emergency terminates.
  - c. The application must be submitted in writing through the applicant's supervisor for endorsement and must include:
    - (1) The name, position title, grade or pay level, and organization 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 6a;

- (3) The reasons why transferred leave is needed, including a physician's statement concerning the nature, severity, and duration, or expected duration, of the medical emergency and, if it is a recurring condition, its approximate frequency;
  - (4) The date when the medical emergency began and, if applicable the date when it ended.
  - (5) Any additional information that may be required by the servicing personnel office, such as the amount of any annual leave, sick leave, compensatory time, and credit hours currently available for use by the prospective leave recipient; and the amount of any outstanding advanced sick leave and/or leave without pay used in connection with the medical emergency.
- d. In accordance with 5 CFR 630.904(c), applicants are not required to pay for medical documentation from more than one source; if a second opinion is required by the employing office, it must be paid for by that office.
7. REVIEW OF APPLICATIONS TO BECOME A LEAVE RECIPIENT. The servicing personnel office will review applications to become a leave recipient to determine:
  - a. Whether the prospective leave recipient has been affected by a medical emergency as defined on page 2, paragraph 4e; and
  - b. Whether the resulting absence from duty without available paid leave has caused, or is expected to cause, a substantial loss of income as defined on page 2, paragraph 4f. "Available paid leave" includes unearned annual leave advanced to employees at the beginning of the leave year, as well as accumulated and accrued sick and annual leave. A period of actual leave without pay is not required to qualify as a leave recipient. As long as the servicing personnel office has acceptable evidence that the absence due to medical emergency will probably exceed the available paid leave by the number of hours defined as a substantial loss of income, this condition is satisfied.
  - c. Within 10 working days from receipt of the application, the servicing personnel office must approve or disapprove the application and, to the extent practicable, notify the prospective leave recipient whether the application was approved. If the application was made on behalf of the prospective leave recipient by the employee's personal representative, a copy of the notification will also be sent to the personal representative.
- (1) If the application is approved, a copy of the notification must be sent to the Chief of Payroll as authorization to accept donations on behalf of the leave recipient. Attachments 1 and 2 are examples of notifications containing the required information.

- (2) If the leave recipient is a supervisor, the approving personnel office must also provide the Chief of Payroll a list of all employees who report directly to the leave recipient and who are therefore ineligible to donate leave to that recipient. A copy of the PAY/PERS organizational listing for the unit subordinate to the recipient will suffice.
- (3) If the application is not approved, the notification will state the reason for disapproval.

#### 8. MAKING DONATIONS TO APPROVED LEAVE RECIPIENTS.

- a. DOE employees may request that a specified number of hours of their earned annual leave balance be transferred from their account to the account of a specified DOE employee who is an approved leave recipient. The request must be made on DOE F 3630.1, "Leave Donation," Attachment 3. The completed form shall be given to the donor's time and attendance clerk for transmission to the payroll office. The total amount of leave that a donor may transfer to other employees is subject to the limits specified in paragraph 9.
- b. Employees may not donate leave to their immediate supervisor, and the payroll office will not accept such donations.
- c. It is expected that most leave donations will be made to coworkers in the donor's own agency, but they may also be made to and from employees in other agencies. The following procedures must be followed:
  - (1) Before leave donations from employees of other agencies to DOE employees may be accepted, the DOE payroll office must obtain verification 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.
  - (2) DOE employees who want to donate leave to employees of other agencies should complete DOE F 3630.1, "Leave Donation," with particular attention to completion of items concerning the recipient's employing agency, organization, and the mailing address of the recipient's payroll office. The form should otherwise be completed in the same manner as donations to other DOE employees. The DOE payroll office will deduct the donated leave from the donor's leave account and transmit the approved donation form to the recipient's payroll office.

#### 9. LIMITATIONS ON THE AMOUNT OF LEAVE WHICH MAY BE DONATED.

- a. Only earned annual leave may be donated. This includes leave accrued during the current leave year, leave carried over from the previous leave year, and leave that has been restored. Neither sick leave nor advanced annual leave may be donated.

b. There <sup>are</sup> two statutory limits on the amount of leave an employee may donate:

- (1) The hours of "use-or-lose" leave an employee may donate cannot exceed the number of hours the employee is scheduled to work during the remainder of the leave year; and
- (2) The total amount of leave an employee may donate in any one leave year cannot exceed an amount equal to one-half of the number of hours the employee will accrue by the end of the leave year. For full-time employees in a normal leave year of 26 pay periods, the limits are as shown below. (In a leave year of 27 pay periods, the limits are 54, 83, and 108 hours, respectively. )

<u>Leave Earning Category</u>	<u>Maximum Donations</u>
4 hours per pay period	52 hours
6 hours per pay period	80 hours
8 hours per pay period	104 hours

c. The above limits may be waived if, at the time that the donation is received by payroll; the recipient has an insufficient amount of leave available from other sources to cover absence of at least one pay period, and acceptance of the donation is necessary to avoid a period of leave without pay.

10. USE OF TRANSFERRED ANNUAL LEAVE. Paragraph 10d applies to employees who are approved as leave recipients after the end of their medical emergency; paragraphs 10a, b, and c apply to leave recipients whose emergency has not yet ended.

a. Required Use of Available Leave. Before leave recipients may use transferred leave, they must first use all of their own leave which is available for the purpose. This includes:

- (1) Any earned annual and sick leave (i.e., accrued or accumulated leave) to their credit at the beginning of the medical emergency;
- (2) Any annual and sick leave accrued by them during the emergency, except leave accrued during periods of absence charged to transferred leave (as explained in paragraph 11, leave accrued while absent on transferred leave cannot be used during the emergency);
- (3) All of the annual leave that was advanced to them at the beginning of the leave year except for the amount of such leave which is required by 5 CFR 630.907(d)(1) to be held in abeyance for use after the end of the medical emergency. For full-time employees

on regular tours of duty, that amount is 40 hours; for part-time employees and employees on uncommon tours of duty, such as fire-fighters, it is an amount equal to the average number of hours in their weekly scheduled tour of duty.

- b. A leave recipient may use transferred annual leave in the same manner and for the same purposes as if he or she had earned the leave, except that it cannot be transferred to another leave recipient or included in a lump-sum leave payment. It may be substituted retroactively for leave without pay taken during the medical emergency. It may also be used to liquidate indebtedness for advanced sick or annual leave, but it is usually to the employee's advantage not to liquidate advanced leave until the end of the emergency. That is because, as explained in paragraph 11 below, most DOE employees earn annual leave while they are on transferred leave only if they have a negative annual leave balance; i.e., if they have used more leave than they have yet earned during the year. At the end of the emergency, the payroll office will automatically apply any remaining transferred leave against indebtedness for advanced leave before restoring any remaining balance to the leave donors.
  - c. The use of transferred annual leave is subject to all of the conditions and requirements imposed by 5 U.S.C., chapter 63; 5 CFR, Part 630; and DOE 3630.1B, except that transferred annual leave is not subject to the limit on the amount of annual leave that may be carried over from one leave year to the next.
  - d. Employees who are approved as leave recipients after the end of their medical emergency may use transferred leave only to liquidate leave without pay and advanced annual and sick leave taken during the emergency. They will receive a lump-sum payment for the leave without pay at the rate of pay in effect at the time of the absence.
  - e. If a leave recipient's within-grade increase has been delayed because of excessive leave without pay for which he or she later substitutes transferred leave, the effective date of the increase must be corrected. Personnel offices should check each leave recipient's within-grade increase effective date to determine whether correction is necessary.
11. ACCRUAL OF LEAVE WHILE USING TRANSFERRED LEAVE. The amount of leave an employee can earn (accrue) while using transferred leave is limited by law and OPM regulations. The limit on the accrual of sick leave applies throughout Government, but there are two different limits on the accrual of annual leave. The one that applies depends on the agency's policy concerning the use of unearned annual leave. At the beginning of the leave year, some agencies - like DOE, except the Bonneville Power Administration (BPA) - automatically advance to employees the amount of annual leave that they are expected to earn during the year, and it may be used subject to the supervisor's approval on scheduling. Other agencies, like BPA, normally restrict the use of annual leave to that which has been earned unless the supervisor approves its advance use.

- a. Accrual of Annual Leave (Except BPA Employees). Employees who are indebted for annual leave that was advanced to them at the beginning of the leave year will continue to earn annual leave while in a transferred leave status so long as the accrued leave continues to be used to liquidate the indebtedness. Once the indebtedness has been liquidated, the employee does not accrue any more annual leave while in a transferred leave status.
- b. Accrual of Sick Leave (All Employees): Accrual of Annual Leave (BPA Employees Only). The amount of sick leave an employee may accrue during absences charged to transferred leave is limited by law to no more than 40 hours. (BPA employees may also accrue up to 40 hours annual leave under this provision. For part-time employees and employees on uncommon tours of duty, such as firefighters, the limit is equal to the average number of hours in the employee's weekly scheduled tour of duty. Leave accrues at the employee's normal earning rate until the limit is reached, at which point accrual stops.
- c. The above limits apply only to leave accrued while employees are actually absent on transferred leave. In situations where leave recipients are able to work intermittently or on a reduced schedule, they continue to accrue leave without regard to the limits during portions of the pay period when they are working or using their own earned leave.
- d. Any leave accrued under the 40-hour limit in paragraph 11b is credited to a deferred leave account and cannot be used by the leave recipient during the medical emergency. It may be used any time after the beginning of the first pay period following the termination of the medical emergency unless that termination is due to separation of the leave recipient from the Federal service, in which case it is not available to the employee for any purpose, including lump-sum payment for annual leave or additional service credit for sick leave upon retirement.

12. TERMINATION OF THE MEDICAL EMERGENCY.

- a. The servicing personnel office will establish procedures for monitoring the status of the medical emergency affecting a leave recipient in order to determine when it has ended.
- b. Leave recipients are responsible for keeping their supervisors currently informed of the status and expected duration of their medical emergency and to provide such physician's statements as may be reasonably necessary for this purpose. They should promptly notify their supervisor when the emergency has ended, and the supervisor should promptly notify the servicing personnel office,
- c. The medical emergency 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 (see page 1, paragraph 2); or
- (3) At the end of the pay period in which one of the following events occurs:
  - (a) The servicing personnel office receives written notice from the leave recipient (or a personal representative) that the leave recipient is no longer affected by the medical emergency;
  - (b) The servicing personnel office receives notice that the Office of Personnel Management has approved the leave recipient's application for disability retirement; or
  - (c) The servicing personnel office determines, after written notice and opportunity for the leave recipient (or a personal representative) to answer orally or in writing, that the leave recipient is no longer affected by a medical emergency.
- d. When the servicing personnel office conclusively determines that a medical emergency has terminated, it must promptly notify the leave recipient in writing of the effective date of the termination and the reason for termination. A copy of the notification must be sent to the payroll office. (See Attachment 4.) The notification should state specific reasons for the termination whenever they are not obvious.
- e. 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, except that any remaining transferred leave will first be applied against any indebtedness for advanced sick leave and annual leave, and any remaining balance will be restored to the donors.

13. RESTORATION OF TRANSFERRED ANNUAL LEAVE.

- a. Transferred annual leave remaining to the credit of a leave recipient when the medical emergency terminates shall be restored, to the extent the payroll office determines restoration to be administratively feasible, by transfer to the annual leave accounts of leave donors currently employed by a Federal Department/agency in a position subject to the leave system.
- b. Restoration of transferred leave is considered not to be administratively feasible when the leave donor is no longer employed by the Department and cannot be reached at his or her last known address, or when the estimated administrative costs of restoring the leave appear to exceed the value of the leave to be restored.



- c. The amount of leave to be restored to each donor is computed as follows:  
The number of hours of leave to be restored is divided by the total number of hours of leave that was donated, and the resulting decimal fraction is then multiplied by the number of hours donated by each donor.  
  
The product, rounded to the nearest hour, is the amount to be restored to each donor (29 minutes or less is rounded down, 30 minutes 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 will be restored.
- e. In no case will the amount of leave restored to a donor exceed the amount donated by that donor.
- f. At the election of the leave 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 leave 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.

14. PROHIBITION OF COERCION.

- a. An employee may not directly or indirectly intimidate, threaten, 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. 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).

15. TERMINATION OF VOLUNTARY LEAVE TRANSFER PROGRAM.

- a. The voluntary leave transfer program terminates on 10-31-93. Donated annual leave may not be transferred to leave recipients after that date.

- b. Leave recipients whose medical emergency has not terminated on 10-31-93 may continue to use any leave transferred to their account on or before 10-31-93 until the termination of their medical emergency.
16. PREVIOUS LEAVE TRANSFER PROGRAMS. Provisions of this Order and of 5 CFR, part 630 subpart I, apply to leave recipients selected, under previous leave transfer programs.

BY ORDER OF THE SECRETARY OF ENERGY:



DONNA R. FITZPATRICK  
Assistant Secretary  
Management and Administration

APPROVAL LETTER--CONTINUING EMERGENCY



**Department of Energy**  
Washington, DC 20585

**Mr. Bertram Wooster**  
123 Oak Court  
Silver Spring, MO 20913

Dear Mr. Wooster:

Your application for the leave transfer program is approved effective January 3, 1993, the beginning date of your medical emergency. You may use **transferred leave** for absences occurring between that date and the end of your emergency, but you must first exhaust your own available leave, including any annual leave you have earned, any that has been advanced to you, and any that you earn during your emergency. If the emergency was for your own medical condition rather than that of a family member, you must also use your own sick leave first.

Once your own available leave has been exhausted, you may use transferred leave just as you would annual leave you have earned, subject to the normal requirements for requesting, scheduling and supervisory approval. You may substitute transferred leave for leave without pay taken since the beginning of your emergency; if you do, you will be paid at the rate of pay in effect at the time of the absence, and you will be credited with any leave you would have earned but for the leave without pay. Transferred leave is not subject to the end-of-the-year leave ceiling. It cannot be included in a lump-sum payment if you leave Government, and it cannot be donated to other leave recipients.

There are certain limits on the amount of sick and annual leave you can earn while using transferred leave, as explained in DOE 3630.2, VOLUNTARY LEAVE TRANSFER PROGRAM, of 9-19-89, which you can obtain from your personnel office. The limits may affect the way you will want to use your transferred leave. For example, most DOE employees earn annual leave while using transferred leave only for the purpose of liquidating any indebtedness for advance annual leave: if you do not have any such indebtedness, you do not earn annual leave while using transferred leave. Therefore, it is to your advantage not to liquidate advance annual leave until the end of your emergency. You do not need to do anything to accomplish this, any transferred leave remaining to your credit at the end of your emergency will automatically be applied against any remaining indebtedness for advance sick and annual leave.

You should keep your supervisor informed of the status of your emergency and the approximate date you expect to return to duty. If your emergency is such that you can work intermittently or on a reduced schedule, you can continue to use transferred leave as long as the emergency lasts.

Office of Personnel Management regulations require us to monitor the status of your medical emergency so we may determine when it has ended. From time to time, you may be requested to provide doctor's statements and other information that will help us make a fair and reasonable decision. Your cooperation in promptly providing such information will be appreciated, and may be a condition for your continued participation in this program.

Questions on this program should be directed to Mr. Andy Gump, telephone 888-8888.

Sincerely,

A handwritten signature in cursive script that reads "Wilfred Mulliner".

Wilfred Mulliner  
Personnel Officer

**cc:** Chief of Payroll



APPROVAL LETTER--FORMER EMERGENCY



**Department of Energy**  
Washington, DC 20585

**Mr. Hans Castor**  
1914 Zauber Lane  
Berg, VA 21212

Dear Mr. Castor:

Your application for the leave transfer program has been approved. The medical emergency for which your application is approved began on May 6, 1989, and ended on June 15, 1989. Leave donated to you by other employees within the next 90 days may be substituted for leave without pay taken during your emergency and may be used to liquidate indebtedness for advanced sick and annual leave taken during that time. Unless you instruct the payroll office otherwise, it will be applied first against leave without pay, next against advanced annual leave, and finally against advanced sick leave.

You will receive a lump-sum payment for the leave without pay, at the rate of pay in effect at the time of the absence, and you will also be credited with any additional sick and annual leave you would have earned but for the leave without pay.

Any transferred leave remaining after liquidation of your leave without pay and advanced leave will be returned to the leave donors.

DOE 3630.2, VOLUNTARY LEAVE TRANSFER PROGRAM, of 9-19-89, provides further information on the program. Questions should be directed to Merle Plume, telephone 888-8888.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Chacha".

Claudia Chacha  
Personnel Officer

cc: Chief of Payroll



LEAVE DONATION FORM

<small>JCE # 3630.2 9-19-89 Replaces DOE # 3630.1</small>		
<b>U.S. DEPARTMENT OF ENERGY</b> <b>LEAVE DONATION</b> <small>(Submit completed and signed original form to your timekeeper)</small>		
Donor's Name (Last, First, MI)	SSN	Donor's Organization
J. DuConge	888-88-8888	Div. of Finance Office of Administration N.Y. Operations Office
Recipient's Name	Recipient's Organization	
A. D. Moy	Plans and Programs Division Office of Megamanagement N.Y. Operations Office	
For Non-DOE Recipient, Enter Mailing Address of Recipient's Payroll Office		
I hereby authorize the transfer of <u>20</u> hours of my annual leave to the above named leave recipient. I certify that I am scheduled to work at least that many hours before the end of the leave year, and that the leave recipient is not my supervisor.		
<u>J. DuConge</u> Donor's Signature		<u>8-28-89</u> Date
<input type="checkbox"/> Check here to donate restored leave. (If the donation is greater than the amount of restored leave to your credit, the remainder will be deducted from your regular leave account.)		
<b>FOR PAYROLL USE</b>		
<u>20</u> hours of leave has been deducted from donor's account	Name of Payroll Clerk	FTS Phone No.
	Chuck Digit	888-8888
<u>Chuck Digit</u> Signature of Payroll Clerk	<u>8-30-89</u> Date	
<u>20</u> hours of leave has been credited to recipient's account	Name of Payroll Clerk	FTS Phone No.
	Les Gogh	888-8888
<u>Les Gogh</u> Signature of Payroll Clerk	<u>8-30-89</u> Date	
Acceptance of this donation is necessary to avoid placing the recipient on leave without pay, and the limitations imposed by 5 CFR 630.906 are therefore waived.		
_____ Chief of Payroll		_____ Date





TERMINATION OF ELIGIBILITY



**Department of Energy**  
Washington, DC 20585

Mr. Bertram Wooster  
123 Oak Court  
Silver Spring, MD 20913

Dear Mr. Wooster:

This is to notify you of the termination of your eligibility to receive leave donations under the leave transfer program.

Effective **June 12, 1993**, no more leave may be donated to your account and no further absence may be charged to any transferred leave remaining to your credit. In accordance with governing law and regulations, such leave must be restored to the leave donors. The reason for termination of your eligibility is indicated below:

- ☒ You are no longer employed by the Federal Government.
- ☐ You have been placed in a position which is not under the Federal leave system.
- ☐ Your application for disability retirement has been approved by the Office of Personnel Management;
- ☐ This office has determined (or has been notified by you) that you are no longer affected by the medical emergency that was used to justify your eligibility to receive donated annual leave.

Questions on this determination should be directed to Mr. Harold Brown telephone 588-6666.

Sincerely,

*Wilfred Mulliner*  
Wilfred Mulliner  
Personnel Officer

**cc:** Chief of Payroll

