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EMERGENCY Leave Transfer Fact Sheet

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Emergency Leave Transfer Program

In the event of a major disaster or emergency as declared by the President that results in severe adverse effects for a substantial number of employees, the President may direct the U.S. Office of Personnel Management (OPM) to establish an emergency leave transfer program (ELTP). Under an ELTP, an employee in an Executive or Judicial branch agency, or an agency leave bank, may donate annual leave for transfer to employees of the same or other agencies who are adversely affected by the disaster or emergency (e.g, floods, earthquakes, hurricanes, bombings).

Establishment of an Emergency Leave Transfer Program

When directed by the President, OPM will establish an ELTP for a specific disaster or emergency and notify agencies of the establishment of the program. In certain circumstances, OPM may also delegate to an agency the authority to establish an ELTP.

Application to Become an Emergency Leave Recipient

In order to be approved to receive donated annual leave, an employee who has been adversely affected or has a family member who has been adversely affected by the disaster or emergency must make written application to his or her agency to become an emergency leave recipient. If an employee is not capable of making written application, a personal representative may make written application on behalf of the employee.

An employee or the family member is considered to be adversely affected if the disaster or emergency has caused him or her severe hardship to such a degree that his or her absence from work is required. An emergency leave recipient may use donated annual leave to assist an affected family member, provided that the family member has no reasonable access to other forms of assistance.

Approval or Disapproval of Application

The employing agency must review the employee's application and notify the employee of the approval or disapproval of the application within 10 calendar days (excluding Saturdays, Sundays, and legal public holidays) after the date the application is received (or the date established by the agency, if that date is later). If disapproved, the agency must give the reason for its disapproval.

Leave Donations

From Employees

An employee may voluntarily submit a written request to his or her agency that a specified number of hours of his or her accrued annual leave be transferred from his or her annual leave account to the employing agency's ELTP. Emergency leave donors may not donate to a specific emergency leave recipient.

From Leave Banks

With concurrence of the leave bank board, a leave bank may donate annual leave to an ELTP administered by the employing agency or, during a Governmentwide transfer of annual leave, by another agency.

Limitation on Amount of Leave Donated

Leave donors may not contribute less than 1 hour or more than 104 hours of annual leave in a leave year to an ELTP. Each agency may establish written criteria for waiving the 104-hour limitation on donating annual leave in a leave year. Annual leave donated to an ELTP may not be applied against the limitations on the donation of annual leave under the voluntary leave transfer or leave bank programs.

Limitation on Amount of Leave Received

An emergency leave recipient may receive a maximum of 240 hours of donated annual leave at any one time from an ELTP for each disaster or emergency. An employing agency may allow an employee to receive additional disbursements of donated annual leave based on the employee's continuing need. Each disbursement of transferred annual leave may not exceed 240 hours.

Transferring Donated Leave Between Agencies

If an agency does not receive sufficient amounts of donated annual leave to meet the needs of emergency leave recipients within the agency, the agency may contact OPM for assistance in receiving additional donated annual leave from other agencies. Based on the amount of donated leave needed, OPM will solicit and coordinate the transfer of donated annual leave from other Federal agencies. OPM will notify each affected agency of the cumulative amount of donated annual leave that will be credited to it for transfer to its approved emergency leave recipients. The affected agency will determine the amount of donated annual leave to be transferred to each emergency leave recipient.

Use of Donated Annual Leave

An approved emergency leave recipient is not required to exhaust his or her accrued annual and sick leave before receiving donated leave under the ELTP.

Any donated annual leave an emergency leave recipient receives from an ELTP may be used only for purposes related to the disaster or emergency for which the emergency leave recipient was approved.

Annual leave transferred under the ELTP to a leave recipient may be —

- Substituted retroactively for any period of leave without pay used because of the disaster or emergency; or
- Used to liquidate an indebtedness incurred by the emergency leave recipient for advanced annual or sick leave used because of the disaster or emergency. The agency may advance annual or sick leave, as appropriate (even if the employee has available annual and sick leave), so that the emergency leave recipient is not forced to use accrued leave before donated annual leave becomes available.

Annual leave transferred under the ELTP to a leave recipient may not be —

- Included in a lump-sum payment;
- Recredited to a former employee who is reemployed by a Federal agency; or
- Used to establish initial eligibility for immediate retirement or acquire eligibility to continue health benefits into retirement.

Accrual of Leave While Using Donated Leave

An emergency leave recipient using donated annual leave continues to accrue annual and sick leave at the same rate as if the employee were in a paid leave status, and the employee's annual leave will be subject to the annual leave limitations in 5 U.S.C.6304 (a), (b), (c), and (f).

Termination of Emergency

The disaster or emergency affecting the emergency leave recipient terminates at the earliest occurrence of the following conditions —

- When the employing agency determines that the disaster or emergency has terminated;
- When the employee's Federal service terminates;
- At the end of the biweekly pay period in which the employee, or his or her personal representative, notifies the emergency leave recipient's agency that he or she is no longer affected by the disaster or emergency;
- At the end of the biweekly pay period in which the employee's agency determines, after giving the employee or his or her personal representative written notice and an opportunity to answer orally or in writing, that the employee is no longer affected by the disaster or emergency; or

- At the end of the biweekly pay period in which the employee's agency receives notice that OPM has approved an application for disability retirement for the emergency leave recipient under the Civil Service Retirement System or the Federal Employees' Retirement System.

Restoration of unused donated annual leave

Upon termination of a disaster or emergency —

- Any unused annual leave donated to the ELTP must be returned by the employing agency to the emergency leave donors, and if any annual leave was donated by a leave bank, it must be returned to the leave bank(s);
- Each agency must determine the amount of annual leave to be restored to any leave bank and/or to each of the emergency leave donors who, on the date leave restoration is made, is employed in the Federal service. The amount of unused annual leave to be returned to each emergency leave donor and/or leave bank must be proportional to the amount of annual leave donated by the employee or the leave bank to the ELTP for the disaster or emergency;
- Any unused annual leave remaining after the distribution will be subject to forfeiture; and
- Annual leave donated to an ELTP for a specific disaster or emergency may not be transferred to another ELTP established for a different disaster or emergency.

The emergency leave donor may choose to have the agency restore unused donated annual leave by crediting the restored annual leave to the leave donor's annual leave account in either the current leave year or the first pay period of the following leave year.

Forms

Forms for donating and receiving annual leave under the Emergency Leave Transfer Program can be found at <http://www.opm.gov/forms/html/emerg.htm>.