

**ARTICLE 21  
LEAVE SHARING**

**SECTION 1**

An employee without available paid leave may request to become a donated leave recipient for a specific medical emergency involving him/herself or a family member (as defined in Article \_\_), which is expected to result in an absence from duty for at least twenty-four (24) consecutive or intermittent hours during the leave year, if the medical emergency would otherwise result in a loss of pay.

Part-time employees or employees with uncommon tours of duty qualify for leave donations based on a reduced formula pursuant to OPM regulations.

The employee must use up all of his/her accrued annual and sick leave, if appropriate, before being donated leave.

**SECTION 2**

The employee must submit a written request for donations of leave to his/her immediate supervisor. If the employee is unable to submit an application a family member or co-worker may submit the application on his/her behalf. An application to become a donated leave recipient must include a brief description of the nature, severity, and anticipated duration of the personal or family medical emergency affecting the employee. The applicant must also include a statement from a physician or other qualified medical practitioner showing the nature, severity, and duration of the medical emergency. Additional information may be submitted, as appropriate, to supplement the application.

**SECTION 3**

- A. Leave recipients are eligible to retroactively substitute transferred annual leave. The employee must apply for transferred leave within thirty (30) workdays after the end of the medical emergency to be eligible for retroactive coverage to the beginning of the medical emergency.
- B. Transferred annual leave may be substituted retroactively for periods of leave without pay (LWOP) or to liquidate advanced annual or sick leave granted to an approved recipient to cover absences during a medical or family emergency. It is up to the employee to decide how transferred leave is used.

**SECTION 4**

- A. An employee's completed application will be reviewed and either approved or disapproved by the management official authorized to render decisions on requests to participate in the Voluntary Leave Donation Program (VLDP) as soon as possible but no later than ten (10) workdays from the date it is received by the management official authorized to render a decision. If an application does not provide all required information when initially submitted, or if additional

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supporting documentation is necessary in order to act upon the application, it will not be considered complete. The employee (or person acting on his/her behalf) will be notified promptly by the Employer of what else is needed to complete the application.

- B. The Employer shall ensure that all approved donated leave is processed by the respective timekeeper within one pay period after submission of the approved request.

#### **SECTION 5**

- A. Before the designated official approves an application to become a leave recipient, the potential leave recipient's employing agency shall determine that the absence from duty without available paid leave because of the medical emergency is (or is expected to be) at least 24 hours and the medical documentation supports the request for leave.
- B. In making a determination as to whether a medical emergency is likely to result in a substantial loss of income, an agency shall not consider factors other than whether the absence from duty without available paid leave is (or expected to be) at least 24 hours and the medical documentation supports the request for leave.
- C. If an employee's application is disapproved, the written notice of disapproval will specify the reason(s) why the designated official has determined that the employee or his/her stated medical emergency does not satisfy the requirements for participation in the VLTP. Any disapproval of a request to become a donated leave recipient may be grieved by the employee.

#### **SECTION 6**

At the approved donated leave recipient's request, or with his/her consent, the Employer will arrange to inform other employees of the medical emergency situation and provide them with details on the procedure for donating some of their accrued annual leave to the employee through the VLTP. The donated leave recipient will determine the amount and extent to which medical information details will be provided to other employees.

#### **SECTION 7**

The Employer will accept an employee's request for leave transfer from leave donors employed by one or more other agencies if:

1. a family member of a leave recipient is employed by another agency and requests the transfer of annual leave to the leave recipient;
2. in the judgment of the leave recipient's employing agency, the amount of annual leave transferred from leave donors employed by the leave recipient's employing agency may not be sufficient to meet the needs of the leave recipient; or
3. in the judgment of the leave recipient's employing agency, acceptance of leave transferred from another agency would further the purpose of the voluntary leave transfer program.

At the employee's request, the Employer will communicate donated leave requests throughout all HHS OpDivs represented by NTEU via electronic mail (i.e., via broadcast email) and central websites accessible to all OpDivs represented by NTEU.

#### **SECTION 8**

Once an employee is using transferred leave, he or she continues to accrue annual and sick leave up to a maximum of forty (40) hours in each category (or, in the case of a part-time employee or an employee with an uncommon tour of duty, the average number of hours or work in the employee's weekly scheduled tour of duty), regardless of whether it is a family medical or personal medical emergency. Once forty (40) hours are accumulated, the accumulation stops, even if the medical emergency still exists.

#### **SECTION 9**

Upon termination of a medical emergency, unused annual leave shall be restored to the donor.

#### **SECTION 10**

- A. Pursuant to 5 U.S.C. § 6391, in the event of a major disaster or emergency declared by the President that results in severe adverse effects for a substantial number of Federal employees, OPM may be directed to establish an emergency leave transfer program (ELTP). Under an ELTP, any Federal employee may donate unused annual leave for transfer to employees of her/his own or another Federal agency who are adversely affected by the disaster or emergency.
- B. If an ELTP is established by Presidential directive, employees may follow the procedures specified at such time by OPM and/or the Employer in order to donate annual leave under this program.

#### **SECTION 11**

The parties recognize that an HHS Leave Bank may be a valuable resource for all employees. If the Employer establishes a Leave Bank, it will notify the Union and bargain in accordance with law, rule, and regulation.