

ARTICLE 21

LEAVE SHARING

SECTION 1- Voluntary Leave Transfer Program

An employee without available paid leave may request to become a donated leave recipient, [pursuant to the Voluntary Leave Transfer Program \(VLTP\)](#), for a specific medical [condition](#) involving him/herself or a family member (as defined in Article 16 [and Article 18](#), 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 [condition](#) 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- Participation in the VLTP

- A. **Employee Request.** The employee must submit [an oral or](#) written request for donations of leave to his/her immediate supervisor. [The employee, or representative, will submit an application on his/her behalf, as soon as practicable.](#) 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. [Employee medical documentation will be treated as confidential by the Employer.](#)

- B. **Review and Approval/Disapproval.** 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 [VLTP](#) 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 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.

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.

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. **Processing.** 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.

- D. **Disapproval.** 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. Where VLTP requests are disapproved, the Employer will grant LWOP. Any disapproval of a request to become a donated leave recipient may be grieved by the employee.

- E. ~~At the approved donated leave recipient's request, or w~~ **Communicating Leave Requests.** With the employee's consent, the Employer will communicate requests for donated leave 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. Each communication will include details on the procedure for donating 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.

- F. **Recipient List.** The Agency will post and maintain an updated, downloadable list of employees who have requested donated leave through the VLTP on the HHS intranet, which includes the employee's name, OPDIV, post of duty, bargaining unit status, number of hours requested. Once an employee is no longer in need of donated leave, their information will be immediately removed from the list.

SECTION 3- Retroactivity

- 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- Leave Transfer between Federal Agencies

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

- a. a family member of a leave recipient is employed by another agency and requests the transfer of annual leave to the leave recipient;
- b. 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
- c. 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.

~~With the employee's consent, 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 5- Leave Accrual for VLTP Recipients

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 6- Donating to the VLTP

In order to donate annual leave to the VLTP, employees will enter into the Agency's time and leave system the amount of annual leave to be transferred and the name of the recipient. Where an employee is unable to access the time and leave system, the employee's supervisor will enter the transfer request into the system. The supervisor will approve the donation within two (2) calendar days of the request and, if the supervisor does not approve the request within that timeframe, the request will be considered granted. Employees who donate time will not be required to submit additional forms or enter duplicate information. Unused annual leave shall

be restored to the donor.

SECTION 7- Emergency Leave Transfer Program

- 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 8- Leave Bank

Within thirty (30) days of the effective date of this Agreement, HHS will establish an HHS-NTEU Leave Bank for bargaining unit employees. The Leave Bank enables bargaining unit employees who have a medical condition to use leave donated to the Leave Bank. All bargaining unit employees are eligible to participate. In order to donate to the Leave Bank, employees will enter into the Agency's time and attendance system, the amount of annual leave to be donated into the bank. Donations may be made year-round and in quarter hour increments. During October, the Employer will notify each employee of their right to donate to and withdraw from the HHS-NTEU Leave Bank. Eligible bargaining unit employees may withdraw from the Leave Bank once per year.