The guidance in this handbook has been edited to align with the President's memorandum entitled, "Return to In-Person Work."

Handbook on Work Scheduling Flexibilities and Work-Life Programs for Elder Care

F. Leave Sharing Programs

An employee may be eligible to apply for and receive donated annual leave under an agency's leave sharing programs if the employee is experiencing a personal or family medical emergency and if the employee will exhaust his or her own available paid leave. There are two leave sharing programs that can be used during a medical emergency— the Voluntary Leave Transfer Program (VLTP) and Voluntary Leave Bank Program (VLBP).

Medical Emergency

The term medical emergency means a medical condition of either the employee or an employee's family member that is likely to require an employee to be absent or expected to be absent from duty for a prolonged period and to result in a substantial loss of income (expected absence without available paid leave of at least 24 work hours for a full-time employee) because of the employee's lack of available paid leave.

Available Paid Leave

Available paid leave includes an employee's accrued, accumulated, recredited, and restored annual or sick leave. It does not include advanced annual or sick leave, any annual or sick leave in an employee's set aside leave accounts which has not yet been transferred to the employee's regular annual or sick leave account, or other forms of paid time off (i.e., credit hours under flexible work schedules, compensatory time off, or religious compensatory time off).

> **Note**: If the employee is applying to be a leave recipient because of a medical emergency affecting a family member and the employee has already exhausted his or her entitlement to 12 weeks of sick leave for family care in that leave year, any remaining sick leave is not considered available paid leave and he or she would not be required to exhaust his or her sick leave balance before being eligible for donated leave.

Family Member and Parent

The definitions of family member, parent, and related definitions are the same for the leave sharing programs as they are for sick leave. See Section A. on Sick Leave.

Voluntary Leave Transfer Program

The VLTP allows an employee to donate annual leave directly to another employee who has a personal or family medical emergency. Generally, employees receive donated annual leave under the VLTP from other employees in their agency. However, family members are entitled to donate annual leave to an approved leave recipient who works at another Federal agency. The agency may allow donations from Federal employees at other agencies if it believes that the employee may not otherwise receive enough donated annual leave to meet his or her needs.

Scenario: Amina is a Federal employee. Her mother had a catastrophic stroke, and Amina will be using donated annual leave to care for her. Amina's husband is also a Federal employee who works at a different agency and wants to donate annual leave to her. A coworker has volunteered to donate sick leave to her. Her brother, who is a colonel in the United States Army, wants to donate annual leave to her. In addition, two other carpool members have volunteered to donate annual leave to her, one of whom works for the U.S. Postal Service (USPS) and the other for a different agency. Can Amina receive donated annual leave from which of these individuals?

Generally, leave recipients may receive donations of annual leave only from employees of the same agency. However, any family member employed by another agency covered by the leave sharing programs in chapter 63 of title 5, of the United States Code is entitled to donate annual leave to a leave recipient. Amina may receive donated annual leave from her husband. Sick leave may not be donated under the VLTP or VLBP, therefore, her coworker cannot donate sick leave to her. Since active duty military members and USPS employees are not covered by the title 5 leave system, Amina may not receive donated annual leave from her brother or the carpool member who is an employee of the USPS. If Amina's agency believes she may not receive enough donations from coworkers in her agency, it may decide to allow donations from employees at other agencies covered by the leave sharing programs. In this case, Amina may receive donated leave from the carpool member who is a Federal employee at a different agency.

Voluntary Leave Bank Program

Each agency may establish a VLBP under which an employee may contribute unused annual leave for use by a leave bank member who is experiencing a personal or family medical emergency. To ensure employees are eligible for the maximum benefits possible, agencies are strongly encouraged to establish a leave bank program. The agency's leave bank board operates the leave bank and determines how much donated annual leave an employee may receive from the leave bank. Any unused donated annual leave is returned to the leave bank.

Retroactive Substitution of Donated Annual Leave

Donated annual leave under the VLTP or VLBP may be—

• Substituted retroactively by the employee for any period of leave without pay used because of a medical emergency; or

• Used by the employee to liquidate an indebtedness incurred by the leave recipient for advanced annual or sick leave used because of a medical emergency.

Set-Aside Accounts

While using donated annual leave, a leave recipient accrues annual and sick leave into what are called "set-aside accounts" so that the employee has some available leave when the medical emergency is over. An employee may accrue no more than 40 hours of annual leave and 40 hours of sick leave in the set-aside accounts. The leave in these accounts will be transferred to the employee's regular leave accounts either when the medical emergency ends or if the employee exhausts all donated annual leave but the employee's elderly family member is still experiencing the medical emergency. Leave in set-aside accounts is not available for use by the employee until transferred to the employee's regular leave accounts.

Leave Sharing Facts Related to Elder Care

• Donated annual leave may be <u>used only for a medical emergency</u>—e.g., a medical condition of the employee's elderly family member that is likely to require the employee to be absent (or expected to be absent) from duty <u>at least 24</u> work hours without available paid leave—and may not be used to provide general family care for a healthy elderly family member.

• An agency may allow a leave recipient to use <u>donated annual leave to arrange or attend the funeral of a family member for whom the leave recipient had been caring</u> (activities solely related to the medical emergency and resultant death of the family member) because the employee is still "affected" by the emergency. This is not an entitlement, but it may be granted at the discretion of the agency.

• An employee who returns to work part-time and who <u>uses donated annual leave part-time to care for an elderly family member</u> with a medical emergency accrues leave in his or her regular annual and sick leave accounts for the time spent in work status and in his or her set-aside annual and sick leave accounts when using donated leave.

• Any unused donated annual leave must be returned to the leave donor(s)/bank when the medical emergency ends.

Tip: An employee is not required to use advanced annual leave or advanced sick leave before receiving donated annual leave under the leave transfer or leave bank programs.

For more information, see our fact sheets on the Voluntary Leave Transfer Program and the Voluntary Leave Bank Program.

Link: https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/voluntary-leave-transfer-program/

Link: https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/voluntary-leave-bank-program/

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