

Department of Military and Veterans Affairs Regulation 690-16



Personnel General

Voluntary Leave Transfer Program (VLTP)

The Adjutant General
Centennial, Colorado
1 June 2004

UNCLASSIFIED

Department of Military and Veterans Affairs Regulation 690-16

Department of Military and Veterans Affairs
Office of the Adjutant General
Centennial, Colorado 80112-6709

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**Colorado National Guard, Voluntary Leave Transfer Program (VLTP), for
Title 32 Excepted and Competitive Technicians**

By Order of the Governor:

MASON C. WHITNEY, Maj. Gen., COANG
The Adjutant General

History: This regulation outlines responsibilities and established policies and procedures for the transfer of unused **annual leave** of an agency employee for use by employees who need leave for a personal medical emergency. **Sick leave cannot be transferred under this program.**

Applicability: This regulation is applicable to all Title 32 Excepted and Competitive Technician Employees of the Colorado National Guard under the jurisdiction of the Adjutant General, State of Colorado.

Proponent: The proponent of this regulation is the Colorado Human Resources Office, Employee Relations Specialist (COHRO/ERS).

Supplementation: Supplements to this regulation are not authorized.

Suggested Improvements: Users are invited to send comments to the Department of Military and Veterans Affairs, Attn: HRO/ERS, 6848 South Revere Parkway, Centennial, Colorado 80112-6709. (Stop REV).

Distribution and Restrictions: Approved for public release, distribution unlimited. Electronic distribution authorized.

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APPENDIX

- A. Application for Leave Recipient (Appendix A 630)
- B. Supervisor's Verification of Application for Leave Recipient (Appendix B)
- C. HRO Letter for Approval/Disapproval for Leave Recipient (Appendix C)
- D. Request for Donate Leave (Appendix D)
- E. Request to Donate AL to Leave Recipient (Appendix E, 630A, 630B)
- F. Notice of Termination of Medical Emergency (Appendix F)

CHAPTER 1 OVERVIEW

1-1. References

- a. Title 5, Code of Federal Regulations, Chapter 630, Sections 901-913.
- b. Public Law 103-103, Subpart 2

1-2. Introduction

- a. The Voluntary Leave Transfer Program (VLTP) sets forth procedures and requirements under which the unused accrued **annual leave** of one technician employee may be transferred for use by another technician employee who needs such leave because of a medical emergency.
- b. Participation in this program is with your supervisor's consent and approval by the Colorado National Guard Human Resources Office (HRO).

1-3. Applicability

All Colorado National Guard (Title 32) Excepted and Competitive Technicians are eligible. This includes all permanent and indefinite civil service employees.

1-4. Purpose

This Pamphlet establishes guidelines and defines proper procedures for employee participation in the Voluntary Leave Transfer Program.

1-5. Definitions

- a. Leave Donor – An employee whose written request for transfer of their annual leave to the annual leave account of a leave recipient is approved by their supervisor and the Human Resources Office (HRO).

- b. Leave Recipient – A current employee for whom the employing agency has approved an application to receive annual leave from the annual leave accounts of one or more leave donors due to medical emergency.

- c. VLTP Eligible Employees – Full-time permanent or indefinite technician employees and part-time technician employees who earn leave and who have a regularly scheduled tour of duty.

- d. Medical Emergency – a medical condition of an employee, or a family member of such employee, that is likely to require an employee's absence from duty for a prolonged period of time and has or will result in a substantial loss of income to the employee because of the unavailability of paid leave (minimum of 24 work hours or 3 workdays).

- e. Family Member – Relative (s) of the employee which include spouse and spouse's parents; children including adopted children and children thereof; parents, brothers and sisters and their spouses; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

CHAPTER 2 LIMITATIONS

2-1. A Leave Donor:

- a. May not donate annual leave to his/her immediate supervisor.
- b. In one leave year, may donate no more than a total of one half of the annual leave he/she is entitled to accrue during the year. (Example: An employee earning 208 hours of leave during the year may donate a maximum of 104 hours).
- c. Who is projected to have annual leave subject to forfeiture at the end of the leave year ("use or lose"), may donate no more than the number of hours remaining in the leave year (as of the date of the leave transfer) for which the donor is scheduled to work and receive pay. For example, the leave donor has 120 hours of annual leave on the books with one pay period (80 hours) remaining during the leave year.

The donor is scheduled to work 40 hours during the last remaining pay period, while taking 40 hours annual leave. Thus, 80 hours annual leave remain on the books. The donor may donate 40 hours of leave (equal to the amount he/she will work) and the other 40 hours will be forfeited.

d. May donate leave to an employee in another agency with the approval of both agencies involved using OPM Form 630B (Appendix E).

2-2. A Leave Recipient:

a. Must make written application (OPM 630, Appendix A) through his/her first-line supervisor to become a leave recipient, if he/she expects to be absent from duty, in an unpaid leave status, for at least 3 workdays due to a medical emergency.

b. Must use all annual and sick leave that accrues to his/her account before using transferred annual leave.

c. Subject to the conditions above, may use donated leave for the same purposes as if he/she has accrued the annual leave, to include substituting the leave retroactively for periods of leave without pay (LWOP). It may be used to liquidate indebtedness for advanced annual or sick leave, if the leave was originally granted due to a medical emergency.

d. May not donate transferred annual leave to another leave recipient.

e. May not take transferred annual leave to another agency upon transfer.

f. May not use transferred annual leave for a lump-sum payment upon separation from government service.

CHAPTER 3 PROCEDURES

3-1. Application to Become a Leave Recipient

An employee who is affected by a medical emergency must submit an OPM 630 (Appendix A) to his/her first level supervisor, or leave approving official,

through the commander/directorate, to become a leave recipient. If the employee is incapable of making application on his/her behalf, a personal representative of the leave recipient or another employee of the Colorado National Guard may make application on the technician's behalf. Final approval authority will rest with the Human Resources Office (HRO). Each application requires the following information concerning each potential leave recipient:

- a. Name, position title, pay plan and grade;
- b. Social Security Number;
- c. Name of organization
- d. Office telephone number
- e. A description of the nature, severity and anticipated duration of the medical emergency affecting the potential leave recipient. Documentation supporting the request (i.e., statements from the physician);
- f. Individual affected by the medical emergency, date medical emergency began, and date medical emergency ended (or is expected to end).
- g. Name of physician who will verify the medical emergency, certification from one or more physicians with respect to the medical emergency.
- h. Annual and sick leave balance as of the end of the last pay period before the date of the application.
- i. How many hours of leave without pay (LWOP) have been used for this medical emergency.
- j. Provide a description of the medical emergency to be distributed by HRO so that other employees may donate annual leave to the applicant.

3-2. Approval of Application to Become a Leave Recipient

a. HRO will review the leave transfer request and either approve or disapprove it based on the nature of the request and supporting documentation.

b. If the request is approved, the HRO will notify the leave recipient (or other employee who made the application on behalf of the leave recipient) within 10

calendar days after the date the application was received by HRO (Appendix C). HRO will provide a copy of the approval to the first level supervisor and civilian payroll office. This will serve as notice to the supervisor to arrange appropriate publicity to employees in the applicant's organization of assignment (Appendix D). This is to be posted on bulletin boards in the employee's organization. If insufficient donations are received to cover the period without pay, HRO may expand publicity to other organizations. The approval notice will indicate that the application is approved and that other technician employees of the Colorado National Guard, or other agency employees may request the transfer of annual leave to the account of the leave recipient.

c. If the application is not approved, the HRO will notify the applicant within 10 calendar days after the date the application was received. The notification will indicate that the application was disapproved and the reasons for its disapproval.

3-3. Transfer of Annual Leave

a. An employee of the same agency as the leave recipient (potential leave donor) will submit an OPM Form 630A (Appendix E) to the HRO indicating the specified number of hours of his/her accrued annual leave that can be transferred from his/her annual leave account to a specified leave recipient. An employee of a different servicing agency from the leave recipient will submit an OPM Form 630B (Appendix E) to his/her servicing agency. The leave donor's servicing agency will then forward the form to the leave recipient's servicing agency.

b. Annual leave transferred under this section may be substituted retroactively for periods of leave without pay (LWOP) or used to liquidate indebtedness for advances of annual or sick leave granted, or the subsequent beginning of the period of medical emergency for which LWOP or advanced annual or sick leave was granted.

c. Upon written notification by the HRO of a leave transfer, the Civilian Pay Office will reduce the donor(s) annual leave balance(s) by the approved number of

hours and increase the recipient's annual leave balance by the total number of hours donated.

d. It is the responsibility of the employee's supervisor to monitor the employee's leave balances and donated leave balances. Supervisors are required to promptly annotate the time and attendance sheet to show all of the employee's accrued leave used before any donated leave is used, i.e., in the event of a medical emergency, all sick and annual leave is exhausted, before any donated annual leave is used. The code "LS" will be used for the **employee's** medical emergency, or code "LA" for the care of a **family member**, on the leave recipient's time card to indicate that they are using donated annual leave.

3-4. Termination of Medical Emergency

a. It is the responsibility of the employee's supervisor to provide written notice to the HRO (Appendix F) of the termination of the leave transfer participation by an affected employee or the pending separation of the employee. This notification will include the total number of transferred annual leave hours used and the actual dates of use. The supervisor will indicate if there is an unused balance of donated annual leave. The unused balance of donated annual leave is withdrawn from the leave recipient and restored to the donor(s) in accordance with existing regulations.

b. The medical emergency affecting a leave recipient shall terminate when the following conditions exist:

(1) When the leave recipient's employment is terminated;

(2) At the end of the bi-weekly pay period in which the supervisor determines that the leave recipient is no longer affected by a medical emergency;

(3) At the end of the bi-weekly pay period in which the HRO receives notice that the Office of Personnel Management has approved an application for Disability Retirement for the leave recipient under the

Civil Service Retirement System or the Federal Employees Retirement System; or

(4) When the leave recipient transfers to an agency operating a Voluntary Leave Transfer Bank.

3-5. Restoration of Transferred Annual Leave

a. Upon receipt of the supervisory notice of termination of the medical emergency, the servicing civilian pay section will restore and transfer unused annual leave accounts of donors currently employed by the Colorado National Guard Technician Program on the date the medical emergency terminates.

b. If the leave donor retires, dies or is otherwise separated from federal service before the unused donated leave is restored, the unused donated leave is not restored.

c. The amount of unused transferred annual leave restored to each leave donor is determined as follows (in accordance with 5 CFR 630.911):

(1) Divide the number of hours of unused transferred annual leave by the total number of hours of annual leave transferred to the leave recipient;

(2) Multiply the ratio obtained in Para c(1) of this section by the number of hours of annual leave transferred by each leave donor eligible for restoration under paragraph a of this section; and

(3) Round the result obtained in paragraph c (2) of this section to the nearest increment of time established by leave donor's employing agency to account for annual leave.

d. If the total number of leave donors exceeds the total number of hours of annual leave to be restored, no unused transferred annual leave shall be restored. In no case shall the amount of annual leave restored to a leave donor exceed the amount transferred to the leave recipient by the leave donor.

e. Transferred annual leave restored to the account of a leave donor shall be subject to the limitation imposed by 5 USC 6304 (a) (maximum of 240 hours per year) at the end of the leave year in which the transferred annual leave was restored.

CHAPTER 4 PROHIBITION OF COERCION

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

b. Publicity is provided by HRO and supervisors when an application to receive transferred annual leave is approved. The leave recipient will not personally solicit to procure transferred annual leave from other employees.

c. For the purpose of VLTP, the term "intimidate, threaten or coerce" includes promising to confer or conferring any benefit, such as an appointment, promotion or compensation or threatening to effect any reprisal (such as deprivation of appointment, promotion or compensation).

CHAPTER 5 RECORDS AND REPORTS

a. The HRO is responsible for gathering and consolidating the recording and reporting requirements of the VLTP. The following officials/organizations will provide the following information to the HRO office:

(1) The supervisor of the leave recipient will provide the total amount of annual leave transferred to the leave recipient and the total used, including actual dates of use; and

(2) The civilian pay office will provide the total amount of annual leave

transferred and how many hours were restored to the donor's account.

b. The HRO will maintain the following information:

(1) The number of applications approved for medical emergencies affecting the employee and the number of applications approved for medical emergencies affecting an employee's family member;

(2) The grade or pay level of each leave recipient and leave donor, the gender of each leave recipient, and the total amount of transferred annual leave used by each leave recipient; and

(3) Any additional information the Office of Personnel Management (OPM) may require.

APPENDICES CAN BE FOUND ON WEBSITE:

WWW.DMVA.STATE.CO.US

>Military Affairs

>DMVA Regulations

>VLTP 690-16 Appendix A - E