

## **3 FAM 3340 VOLUNTARY LEAVE TRANSFER PROGRAM**

*(TL:PER-480; 08-14-2003)*  
*(Office of Origin: DIR)*

### **3 FAM 3341 AUTHORITY**

*(TL:PER-256; 4-17-95)*  
*(State only)*  
*(Applies to Foreign Service & Civil Service Employees)*

Part 630, Subpart I of Title 5 Code of Federal Regulations. See 3 FAM 3341 Exhibit 3341 of this subchapter.

### **3 FAM 3342 RESPONSIBILITIES**

#### **3 FAM 3342.1 Executive Directors and *Management officers***

*(TL:PER-480; 08-14-2003)*  
*(State only)*  
*(Applies to Foreign Service & Civil Service Employees)*

It is the responsibility of the Executive Director or *Management officer* to:

- (1) Administer this program, delegating authority as appropriate within their offices;
- (2) Approve or deny employee applications to be designated a leave recipient and accept and approve or disapprove written requests for employees to transfer annual leave to an approved recipient;
- (3) Request the Payroll Office to effect transfers of leave through this program, keeping records of all transactions;
- (4) Publicize the need of approved recipients for leave (if authorized by the recipient), first in their own organizations, and then in the entire Department and other agencies, depending upon the need.
- (5) Submit a final report when the medical emergency of an employee no longer exists.

#### **3 FAM 3342.2 The Senior DAS In The Employee's Bureau**

*(TL:PER-256; 4-17-95)*

*(State only)*

*(Applies to Foreign Service & Civil Service Employees)*

The Senior DAS in the employee's bureau reviews denials of a leave recipient's application upon the request of the employee.

### **3 FAM 3342.3 Approving Officer For A Donation**

*(TL:PER-256; 4-17-95)*

*(State only)*

*(Applies to Foreign Service & Civil Service Employees)*

The approving officer for a donation routes the approved form (DS-1862) through the executive office of the approved leave recipient.

### **3 FAM 3342.4 The Bureau Of Personnel (PER/ER)**

*(TL:PER-256; 4-17-95)*

*(State only)*

*(Applies to Foreign Service & Civil Service Employees)*

The Bureau of Personnel:

- (1) Coordinates the program with the executive directors;
- (2) Sets overall policy;
- (3) Maintains precedents; and
- (4) Responds to OPM, Congress and others as necessary.

### **3 FAM 3342.5 The Bureau Of Finance And Management Policy (M/FMP)**

*(TL:PER-256; 4-17-95)*

*(State only)*

*(Applies to Foreign Service & Civil Service Employees)*

The Bureau of Finance and Management Policy:

- (1) Adds and subtracts leave from employees' accounts upon written requests from the executive directors;
- (2) Returns the unused leave to the donors according to OPM regulations if an executive director (or designee) informs them that the medical emergency of an employee has ended before all of the leave donated to that employee has been used.

### **3 FAM 3342.6 Foreign Service Posts**

*(TL:PER-480; 08-14-2003)*

*(State only)*

*(Applies to Foreign Service & Civil Service Employees)*

Foreign service posts administer their own program, using identical guidelines, insofar as that is possible and practical. The post *management officer* has authority to approve or deny employee applications.

### **3 FAM 3343 GUIDELINES AND POLICIES**

#### **3 FAM 3343.1 General**

*(TL:PER-256; 4-17-95)*

*(State only)*

*(Applies to Foreign Service & Civil Service Employees)*

a. An application to become a leave recipient should be considered only when it is apparent that the employee will lose/has lost at least 24 hours without pay, 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 biweekly scheduled tour of duty. Once an application has been approved, leave donations may be used to liquidate an indebtedness for advanced annual, sick leave, or a period of leave without pay.

b. See 3 FAM 3341 Exhibit 3341, for an explanation of the purpose of the voluntary leave transfer program, and the definition of family members for purpose of this program.

#### **3 FAM 3343.2 Timing Of Medical Emergency**

*(TL:PER-480; 08-14-2003)*

*(State only)*

*(Applies to Foreign Service & Civil Service Employees)*

For purposes of the leave transfer program may be used on a current basis, or to retroactively substitute for periods of leave without pay. The leave without pay must have been granted: (1) After a date fixed by the executive director or *management officer* as the beginning date of the period of the medical emergency for which leave without pay or sick leave was granted, and (2) During employment with the Department of State.

#### **3 FAM 3343.3 Retroactive Provisions**

*(TL:PER-256; 4-17-95)*

*(State only)*

*(Applies to Foreign Service & Civil Service Employees)*

Applicants for the program who have received advance annual or sick leave may be approved for the program, only if they would have faced the loss of 24 hours of pay had annual or sick leave not been advanced. Applicants may apply for the leave transfer program after the termination of the medical emergency provided that the three workdays without pay was met or would have been met had advance annual or sick leave not been approved. Requests for retroactive approval must be submitted within 90 days after the termination of the medical emergency. Exceptions will be considered on a case by case basis.

### **3 FAM 3343.4 Approval Of Leave By Supervisor**

*(TL:PER-256; 4-17-95)*

*(State only)*

*(Applies to Foreign Service & Civil Service Employees)*

The use of transferred leave is subject to the normal conditions and requirements for leave usage.

### **3 FAM 3343.5 Accrual Of Annual And Sick Leave**

*(TL:PER-256; 4-17-95)*

*(State only)*

*(Applies to Foreign Service & Civil Service Employees)*

a. Leave recipients are required to use any accrued annual or sick leave, as appropriate, before beginning to use donated leave. The law and regulations limit the amount of annual and sick leave a recipient may accrue while using transferred leave to 5 days of annual and 5 days of sick leave.

b. 5 CFR 630.907 provides that any annual or sick leave accrued by an employee approved for participation in this program will be transferred to a special leave account, and that that leave will be available for use:

(1) As of the beginning of the first applicable pay period beginning on or after the date on which the employee's medical emergency terminates; or

(2) If the employee's medical emergency has not terminated, once the employee has exhausted all transferred leave made available under this program.

c. Record keeping under these provisions is the responsibility of M/FMP.

### **3 FAM 3343.6 Limitations On Donation**

*(TL:PER-480; 08-14-2003)*

*(State only)*

*(Applies to Foreign Service & Civil Service Employees)*

Employees with restored annual leave may donate such leave, and there is no limit on the amount that may be donated under this category. As explained in 5 CFR 630.908, employees may donate no more than one-half of the leave they would be entitled to accrue in the leave year of the donation. Furthermore, a donor projected to lose annual leave at the end of the leave year may donate no more than the number of hours actually remaining (scheduled to work) in the leave year. Exceptions in unusual circumstances may be granted by the executive director or *management officer*. Any such waiver must be documented in writing providing the specifics for granting the exception. An example of a valid reason for granting a waiver would be a case where there may not be sufficient donated leave to carry the recipient through the period of the medical emergency. Exceptions may also be made when family members donate leave. Leave must have been accrued before it can be donated, i.e., you cannot borrow and then donate leave.

### **3 FAM 3343.7 Application On Behalf Of Potential Leave Recipient**

*(TL:PER-256; 4-17-95)*

*(State only)*

*(Applies to Foreign Service & Civil Service Employees)*

Any other State Department employee may make application on behalf of an employee to become an approved leave recipient as long as the executive director is satisfied that the applicant is acting for and has the permission of the employee.

### **3 FAM 3343.8 Documentation/ Investigation**

*(TL:PER-256; 4-17-95)*

*(State only)*

*(Applies to Foreign Service & Civil Service Employees)*

Those adjudicating a leave recipient application may require additional information or documentation, e.g., medical, pertinent to the application. Family members and friends will only be contacted in the event the employee cannot be contacted.

### **3 FAM 3343.9 Prohibition Of Coercion**

*(TL:PER-256; 4-17-95)*

*(State only)*

*(Applies to Foreign Service & Civil Service Employees)*

Under 5 CFR 630.912, an employee may not intimidate, threaten, or coerce any other employee with respect to donating, receiving or using annual leave. Violations of this prohibition could result in disciplinary action.

### **3 FAM 3344 CONFIDENTIALITY**

*(TL:PER-256; 4-17-95)*

*(State only)*

*(Applies to Foreign Service & Civil Service Employees)*

Information concerning individual leave recipients and donors is considered personnel sensitive, and is not to be released to anyone who does not require it for the purposes of administering the leave transfer program. The names of donors and the amounts which were donated are not to be revealed, including to the recipient, unless the donor asks that the recipient be informed. The names of leave recipients may be revealed only if authorized by the recipient on the application form.

### **3 FAM 3345 THROUGH 3349 UNASSIGNED**