




UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

SEP 06 2016

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: BETH F. COBERT
ACTING DIRECTOR 

SUBJECT: Emergency Leave Transfer for Federal Employees Affected by the Severe Storms and Flooding in Louisiana

President Obama has directed the U.S. Office of Personnel Management (OPM) to establish an emergency leave transfer program to assist employees affected by the severe storms and flooding in Louisiana. Pursuant to 5 U.S.C. 6391, in the event of a major disaster or emergency that results in severe adverse effects for a substantial number of employees, the President may direct OPM to establish an emergency leave transfer program. Severe adverse effects include loss of life or property, serious injury, or physical or mental illness as a result of a direct threat to life or health.

An emergency leave transfer program permits employees in the executive and judicial branches, or agency leave banks established under 5 U.S.C. 6363, to donate unused annual leave for transfer to employees of the same or other agencies (or the judicial branch) who are adversely affected by the severe storms and flooding in Louisiana, either directly or through adversely affected family members, and who need additional time off from work without having to use their own paid leave. Employees seeking to receive leave transfers must apply in writing to their agencies. An employee who is not capable of doing so personally may apply through a personal representative (5 CFR 630.1105).

Employees who are adversely affected will be eligible to become emergency leave recipients. The emergency leave transfer program will be in place to assist approved leave recipients as the need for donated annual leave becomes known.

Agencies with employees affected by the storms and flooding in Louisiana are in the best position to determine whether, and how much, donated annual leave is needed by their employees and which of their employees have been adversely affected by the emergency within the meaning of OPM regulations. They are also in the best position to quickly facilitate the transfer of donated annual leave within their agencies.

Therefore, in response to the President's directive, OPM is authorizing agency and department heads (or their designees) to do the following:

- (1) Determine which employees are affected and whether, and how much, donated annual leave they need;
- (2) Educate affected employees that, dependent on agency policy, they may request

advanced annual or sick leave, as appropriate (even if they have available annual and sick leave) or leave without pay, so that they are not forced to use accrued leave before donated annual leave becomes available. This is necessary since donated annual leave **may only** be substituted retroactively for any period of leave without pay or advanced annual or sick leave used because of the emergency; it may not be retroactively substituted for accrued annual or sick leave used because of the emergency.

- (3) As appropriate, approve leave donors and/or leave recipients in their agencies;
- (4) Facilitate the distribution of donated annual leave from approved leave donors or (with the concurrence of an agency leave bank board) from an agency leave bank to approved leave recipients within their agencies; and
- (5) Determine the period of time for which donated annual leave may be accepted for distribution to approved leave recipients.

Agencies should contact OPM for assistance in receiving additional donated annual leave from other agencies only if they do not receive sufficient amounts of donated annual leave to meet the needs of emergency leave recipients within the agency. Based on the demand for donated leave, OPM will solicit and coordinate the transfer of donated annual leave among Federal agencies. OPM will notify each agency of the cumulative amount of donated annual leave that will be credited to it for transfer to its approved emergency leave recipients. The agency will determine the amount of donated annual leave to be transferred to each emergency leave recipient.

OPM's regulations on the administration of the emergency leave transfer program (5 CFR Part 630, Subpart K) are available at <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=ef599568d4b61fce088bb504001f7601&rgn=div6&view=text&node=5:1.0.1.2.83.11&idno=5>. Additional guidance is available in our Emergency Leave Transfer Program fact sheet at <http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/emergency-leave-transfer-program/>. The supplementary information to our final Emergency Leave Transfer Program regulations published in 2008, available at <http://www.gpo.gov/fdsys/pkg/FR-2008-11-04/pdf/E8-26220.pdf>, may also provide helpful background information.

Additional Information

Agency headquarters-level human resources offices may contact Pay and Leave at OPM at pay-leave-policy@opm.gov. Because the emergency leave transfer program will be administered by the agencies, employees should contact their servicing agency human resources office for further information on the emergency leave transfer program.

cc: Chief Human Capital Officers, and Human Resources Directors