

UNITED STATES ATTORNEYS' PROCEDURES

USAP 3-4.630.002

Voluntary Leave Bank Program

Effective Date: March 19, 2004
Certified Current : March 19, 2004
Next Review/Rescind: March 19, 2005
Last Updated: August 10, 2007

1. PURPOSE

To provide guidance for donating and receiving leave under the Voluntary Leave Bank Program (VLBP) . **This USAP supersedes APhi 630#4A, dated April 14, 1996.**

2. SCOPE

All United States Attorneys' offices (USAOs) and the Executive Office for United States Attorneys (EOUSA).

3. REFERENCES

[5 C.F.R. § 630 Subpart J - VLBP](#)

[Department of Justice Voluntary Leave Bank Questions and Answers](#)

4. BACKGROUND

The Department of Justice Voluntary Leave Bank (VLB) provides income protection for employees who experience a personal medical emergency (including pregnancy and childbirth) or a medical emergency of a family member that is likely to require an employee's absence from work for a prolonged period of time, i.e., at least 24 hours for a full-time employee, and would result in a substantial loss of income because paid leave is unavailable. Under the VLB, members have a central bank of leave to draw upon in time of need.

The Leave Bank operates under the overall administration of the Department of Justice Leave Bank Board. The Board establishes the minimum contribution required to become a Leave Bank member for the leave year in which the contribution is made, and the maximum contribution within a leave year, depend on the contributing employee's years of service. The Leave Bank Board may raise or lower the minimum contribution, at its discretion, to meet the needs of the Bank membership. The Leave Bank Board may waive maximum limits on contributions under certain circumstances, and may prescribe other policies and

procedures as it considers necessary.

5. DEFINITIONS

N/A

6. PROCEDURES

A. Responsibilities:

United States Attorneys' Offices (USAOs) are responsible for:

Designating a Leave Bank Contact to be responsible for receiving VLB applications from employees and forwarding them via E-mail to EOUSA;

Distributing information about the VLB open enrollment period to USAO employees; and

Processing VLB membership applications as described below.

The Executive Office for United States Attorneys (EOUSA) is responsible for:

Component-level program oversight;

Publicizing VLB Open Enrollment Periods as directed by the Department; and

Consolidating and submitting VLB Open Enrollment period applications to the Department as described below.

Voluntary Leave Bank Contacts are responsible for:

Receiving USAO employee VLB applications from the employee's timekeeper;

Reviewing applications to be sure that they are complete;

Maintaining a file of original, signed, applications;

Verifying that timekeepers deduct the Leave Bank donations and certifying that the leave has been deducted in the pay period indicated; and

Consolidating and submitting VLB Open Enrollment period applications to EOUSA as described below.

Timekeepers are responsible for the following:

Receiving USAO employee VLB applications from the employee;

Signing the application and annotating the pay period in which the leave will be deducted; and

Submitting VLB Open Enrollment period applications to the USAO Voluntary Leave Bank Contact.

B. Procedures:

Enrollment

General The Open Enrollment Period is announced by the Justice Management Division (JMD) to all Department of Justice components. During this time, USAO employees may join the VLB for the coming leave year by donating the minimum amount of **accrued** annual leave as defined by JMD. Employees may enroll by submitting an application form both in hard copy and via E-mail to the timekeeper who deducts the employee's leave donation from his or her leave balances, and forwards the application to the USAO Leave Bank Contact. The Leave Bank Contact consolidates employee applications and forwards them each pay period during the open enrollment period, to the EOUSA Personnel Staff for further consolidation and final submission to JMD.

All enrollments must be received by JMD before the end of the Open Enrollment Period.

Employee Procedures Employees may enroll in the VLB any time during the open enrollment period by submitting to their timekeeper a completed Voluntary Leave Bank Open Enrollment Period Application form. This form should be provided both in paper and as an E-mail file. The paper document, with the employee's signature, is necessary for the timekeeper to retain for audit of the employee's Time and Attendance (T&A) records. The E-mail file is necessary to forward to EOUSA and JMD to complete the VLB enrollment process.

Timekeeper Procedures Timekeepers insure that leave donations are entered into the T&A system, i.e., the System for Time and Attendance Reporting (STAR) system, and keep records of the donation with the employee's time and attendance records. Timekeepers must use established codes for donated leave to update both the National Finance Center and STAR databases and eliminate leave donations as a source of leave errors.

Leave Donations to the Leave Bank may only be keyed during pay periods specified for each Open Enrollment Period by JMD to facilitate reporting requirements to the Department. EOUSA will announce those pay periods at the beginning of each Open Enrollment Period.

Timekeepers should:

- Sign each VLB application and annotating the pay period in which the leave is deducted;

- Use prefix and transaction code 61-61 for donated annual leave and 61-63 for donated restored leave;

Enter donated leave during either week of the Time and Attendance (T&A) record; and

Maintain a copy of the leave donation with T&A records and forward the annotated E-mail and hard-copy record of the employee's donation to the Voluntary Leave Bank Contact.

Timekeepers should not process a corrected T&A record for donated annual leave.

If there is an error message in STAR for the codes for donated leave, it may be resolved by updating tables as follows:

Enter STAR, Select Systems and then Import/Export.

Highlight Leave, then click on the first button, which is Import Data.

At next screen, highlight LVUPDATE.TXT and click Open.

Repeat, highlighting Transaction Code, then click on the first button, which is Import Data.

At next screen, highlight TCUPDATE.TXT and click Open.

Close out of Import/Export and Systems. You should now be able to use the codes for donated leave.

Voluntary Leave Bank Contact Procedures. After receiving VLB applications from the timekeeper and verifying that the applications are complete and that the leave has been deducted from the employees' leave balances, Voluntary Leave Bank Contacts will forward approved applications to EOUSA as follows:

Several employee applications should be grouped together in a single e-mail at the end of each pay period;

Applications should be E-mailed to: [USAEO-Leave Bank](#). **This is a special address which has been established for the purpose of administering leave bank enrollments from USAO employees.**

The subject line of the e-mail should contain the initials of the submitting district, e.g. NDCA, SDNY, and a unique identifier to facilitate tracking, e.g., the last names of the VLB applicants. For example:

"Subject: NDTX-Smith, Jones, Rogers"

The EOUSA Personnel Staff will control USAO VLB applications to and from the Department. EOUSA and the Department will track VLB

applications using the subject line on the e-mail as referenced above.

Application to Become a Leave Bank Recipient

VLB members may become recipients by checking the VLBP box on the [VLBP/VLTP Leave Recipient Application form](#). The application and supporting medical documentation dated within 30 days of emergency must be received by [EOUSA Leave Sharing Program Coordinator](#) via the [USAO VLTP Points of Contact](#) by the first Tuesday of the pay period in order for the application to be timely reviewed by the Leave Bank Board. Final Board decisions are normally issued at the end of that pay period. Note that the Leave Bank Board may elect not review applications that fail to meet the Board's criteria which may include Leave Bank membership, completeness of application, and timeliness of application including submitting an application before the employee exhausts available paid leave or is submitted more than 30 days in advance of an anticipated medical emergency.

What is the Voluntary Leave Bank program (VLBP)?

. Public Law 103-103, the "Federal Employees Leave Sharing Amendments Act of 1993", dated October 8, 1993, established a permanent leave sharing program for Federal employees. The leave sharing programs authorized by this law are the Voluntary Leave Transfer Program (see OPM regulations in [5 CFR Part 630, Subpart I](#)), and the Voluntary Leave Bank Program (see OPM regulations in [5 CFR Part 630, Subpart J](#)).

In early 1989, personnel offices throughout the Department of Justice implemented the Voluntary Leave Transfer Program (VLTP) for their employees. In 1994, the Department established a Voluntary Leave Bank Program (VLBP) to work in conjunction with the existing leave transfer programs in the Department. The Leave Bank accepts membership contributions of annual leave, and makes that leave available to qualified members who experience medical emergencies.

What are the key terms used in the Leave Bank program?

An **Employee** is an active, on-board employee of the Department of Justice, except for employees of the Federal Bureau of Investigation and the Executive Office for U.S. Trustees. Participating employees may be full-time or part-time. Intermittent employees do not qualify for participation as Leave Bank members or as leave recipients because they do not earn or accrue annual leave.

A **Medical Emergency** is a medical condition of an employee or a family member of an employee that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave.

A **Family Member** is a person related to the employee as follows: spouse, parents of the spouse, children and their spouses, 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.

The **Leave Bank** is a pooled fund of annual leave established by the Department under 5 CFR 630.1003.

A **Leave Bank Member** is a leave contributor who has contributed, during an open enrollment period (or individual enrollment period, as applicable) of the current leave year at least the minimum amount of annual leave established by the Leave Bank Board.

A **Leave Contributor** is an employee who contributes annual leave to the Leave Bank. Such contributions may be made at any time during the leave year within the established limitations.

A **Leave Recipient** is a Leave Bank member whose application to receive contributions of annual leave (emergency leave) from the Leave Bank has been approved. All members who are approved leave recipients will be considered to be members of the Leave Bank for the duration of the leave year in which their

medical emergency terminates.

A [Leave Sharing Program Coordinator](#) is an agency representative responsible for the day-to-day operations of the Leave Bank for his or her component. Leave Sharing Program Coordinators provide information, advice, guidance, and assistance, and distribute forms to employees.

Shared Leave Status is the administrative status of an employee while the employee is using transferred (emergency) leave.

[Standard Form 71](#) (SF-71), the application for leave, has been designated for documentation of employee annual leave contributions to the Department's Leave Bank.

A **Completed Application** is the application of an employee who wishes to become a leave recipient.

Available Paid Leave means the categories and amounts of leave that must be expected to be exhausted before a leave recipient may be approved.

An employee with a personal medical emergency is expected to exhaust all accrued and restored annual leave, and all accrued sick leave.

An employee with a family member who is experiencing a medical emergency is expected to exhaust all accrued and restored annual leave, as well as the amount of accrued sick leave available under the family friendly leave program.

The **Open Enrollment Period** is a nation-wide campaign, lasting at least 30 calendar days, that is scheduled by the Leave Bank Board for the purpose of providing employees the opportunity to become Leave Bank members.

*The Executive Office for U.S. Attorneys (EOUSA) has established an earlier deadline of November 25, 2006, to allow adequate time for application processing for staff of the U.S. Attorneys Offices and EOUSA. Other large components may also have earlier deadlines for administrative purposes. Please contact your Leave Sharing Coordinator with any questions on deadlines.

How does the Leave Bank work?

The Leave Bank provides income protection for employees who experience a personal medical emergency or a medical emergency of a family member which causes them to exhaust their available paid leave and to be absent in what would otherwise be a LWOP status. Employees experiencing medical emergencies may receive leave from the Voluntary Leave Transfer Program (VLTP) and the Voluntary Leave Bank Program (VLBP) simultaneously, provided that they meet the requirements of each program.

Under the Leave Bank program, Leave Bank members have a central bank of leave to draw upon in time of need. Donors can give leave either to the general fund or request that their donated leave be given to specific recipients. The Leave Bank is administered by a three-member Leave Bank Board at the Departmental level. The Leave Bank Board consists of two members designated by the Assistant Attorney General for Administration, and one member designated by a labor organization. All members of the

Leave Bank Board have back-ups.

How can I become a Leave Bank member?

To become a Leave Bank member, you must contribute annual leave to the Leave Bank during an [open enrollment period](#). The Leave Bank Board will establish at least one open enrollment period each year. An open enrollment period will last at least 30 calendar days. Individual enrollment periods are established on an individual basis for employees who were unavailable during the open enrollment periods. Examples would be employees who enter on duty, transfer in from other agencies, or return from extended leave following an open enrollment period. Individual enrollment periods will be thirty (30) calendar days in duration following the employee's entrance on duty or return to duty. If a leave contributor contributes at least the minimum amount of annual leave during an open enrollment period (which is normally held at the end of the leave year), he or she will become a member for the leave year following the open season period. If a leave contributor contributes at least the minimum amount of annual leave during an individual enrollment period, he or she will become a member for the remainder of the leave year the donation was made.

Contributions are made by completing an **SF-71**, or a form developed by your component and approved by the Leave Bank Board. The minimum contribution required to become a Leave Bank member is one pay period of accrued annual leave (4, 6, or 8 hours) per enrollment period.

The Leave Bank Board may raise or lower the minimum contribution, at its discretion, to meet the needs of the Bank membership. Maximum limits on contributions may be waived under certain circumstances.

How can I become a Leave Bank recipient?

Only a Leave Bank member may apply to become a Leave Bank recipient. In addition, to be eligible for Leave Bank recipient status, you must be a member of the Leave Bank at the time of the medical emergency. There has never been any provision in the Program which permits an employee, when he or she experiences a medical emergency, to donate leave and become a member of the Leave Bank.

Applicants must provide the following information in writing:

- . Name, position title, and grade or pay level;

- . Reasons why emergency leave is needed;

- . Brief description of the nature, severity, and anticipated duration of the medical emergency;

- . Certification from one or more physicians or licensed practitioners; and

- . Any additional information that may be required.

If you are incapable of making application, a personal representative may make written application on your behalf. To the extent possible, information in each application will be treated confidentially by those involved in administering the program. The completed application may be submitted at any time during a medical emergency or prior to an extended period of absence that is projected to occur as a result of a medical emergency (e.g., surgery scheduled after a physical examination that will require an extended recuperative period).

Completed applications must be received **no later than 5 working days** following the termination of a medical emergency. (You must be a Leave Bank member at the time you submit an application, or you must qualify for an individual enrollment period.) The 5-day limitation may be waived in individual cases, provided that you or your representative request a waiver in writing. The request must describe the situation which prevented the timely submission of the application and why it was beyond your control. The final decision on such requests rests solely with the Leave Bank Board. In any case, no applications will be considered 45 working days beyond the termination of the medical emergency. You will receive written notification of the action taken on the application within 10 working days following receipt of the completed application.

How do I submit my application?

You must submit a [completed application](#) (WordPerfect® 6/7/8/9 format) to your component's [Leave Sharing Program Coordinator](#).

What are the limits on contributions?

- . You may contribute to any approved leave recipient except your immediate supervisor.
- . In any one leave year, a leave contributor may contribute no more than a total of one-half of the amount of annual leave he or she would be entitled to accrue during the leave year in which the contribution is made. You may request a waiver of the limitation on contributing annual leave. Any such request must be documented in writing and submitted to your Leave Sharing Coordinator.
- . Annual leave may not be contributed before it is earned.
- . In the case of a leave contributor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year under 5 USC 6304(a), the maximum amount of annual leave that may be contributed during the leave year shall be the lesser of:
 - One-half of the amount of annual leave he or she would be entitled to accrue during the leave year in which the contribution is made; or
 - The number of hours remaining in the leave year (as of the date of the contribution) for which the leave contributor is scheduled to work and

receive pay. For example, if you are projected to forfeit 80 hours and there are only 5 working days left in the leave year, the maximum number of hours you can contribute is 40. The other 40 hours will be forfeited. This constraint only becomes a problem when employees wait until very late in the leave year to make a contribution.

What happens to my contributions?

All Leave Bank contributions, whether contributed for individual membership or to a specific leave recipient, will be deposited into the Leave Bank. The Leave Bank Board will not return a contribution to a contributor once the contribution has been received by the Leave Bank support staff.

You must be approved as a leave recipient by the Leave Bank Board before you can receive an award of leave from the Leave Bank. All or any portion of an award of leave may be applied to periods of advanced leave (leave indebtedness), periods of LWOP, or to current and future absences that are a direct result of the medical emergency. The approval and use of emergency leave is subject to all of the conditions and requirements stipulated in the Department's leave administration order, DOJ 1630.1B (Available on the DOJ Intranet). Emergency leave may be:

- Applied to current leave needs;

- Substituted retroactively for periods of LWOP; or

- Used to liquidate indebtedness for prior periods of advanced leave beginning on or after the start of the medical emergency.

A Leave Bank member may contribute additional leave at any time during the leave year within the limitations on contributions. An employee (nonmember) may contribute annual leave to the Leave Bank at any time during the leave year. However, if contributions are outside an open or individual enrollment period, the contribution will not entitle the employee to membership in the Leave Bank. In addition, contributions must be within the stated limitations. Employees may also contribute restored annual leave to the Leave Bank. Such contributions must be clearly identified as restored annual leave on the SF-71.

How much emergency leave can I receive?

Leave received under the Leave Bank program is dependent upon the level of leave in the Bank. The Leave Bank Board will constantly monitor the quantity of leave in the Leave Bank in order to properly oversee the disposition of leave deposited into the Bank and to ensure that a sufficient quantity is available to meet the projected needs. If, as a result of the Leave Bank Board's monitoring of the Leave Bank, it is determined that there is an inadequate supply of leave in the Bank, the Leave Bank Board may schedule an emergency open enrollment period, or increase the minimum contribution to the Leave Bank for the following year. If a recipient's medical emergency is ongoing, and he or she has received the maximum amount of leave the Board has set, he or she **may not reapply for additional leave within a 12-month period**. If a recipient's medical emergency is ongoing, and he or she has received less than the maximum amount of leave set by the Board, he or she **may reapply for additional leave, which combined with the previous award will equal the maximum amount of leave set by the Board**.

How may I use an award of emergency leave?

A leave recipient may use emergency leave only for the purpose of the approved medical emergency. Even though you may qualify as a leave recipient, your absence from work must still be approved by your supervisor. It is important that you keep your supervisor informed about the status of your medical emergency. Your supervisor is responsible for advising the personnel office about your situation as a leave recipient.

When your medical emergency ends, your accrued leave (annual and/or sick) will be released from your separate accounts and transferred to your regular annual and sick leave accounts, if applicable. If a recipient has received leave through the Leave Bank or the Leave Transfer Program and the Leave Bank, simultaneously, any remaining emergency leave (only those hours equal to the number of hours awarded by the Board) will be returned to the Leave Bank. An award of emergency leave may be used for absences necessitated by the approved medical emergency or substituted retroactively for periods of leave without pay.

In order to maintain balances of leave sufficient to meet ongoing requests for grants from Department employees, it is the practice of the Department of Justice Leave Bank Board not to make grants of donated leave in cases where employees have not had, or will not have, a loss of pay. Leave donations are intended to help employees avoid circumstances in which they might otherwise suffer a loss of pay due to a medical emergency, but are not intended to repay advanced leave.

Employees considering requests that agencies advance them leave should be aware that unless they actually lose pay the Leave Bank Board would not approve a grant of leave to them. Requests by employees for advanced leave may not, therefore, be in their best interest and such employees might want to consider other alternatives.

Emergency leave may **not** be:

- . Recredited when returning to government employment;

- . Used in lump-sum annual leave payment;
- . Given by one leave recipient to another;
- . Used once the medical emergency has terminated; or
- . Returned to the donors.

What are the limits on leave accrual while I'm in a shared leave status?

While you are in a shared leave status, you may not accrue more than 40 hours each of annual and sick leave, as appropriate. Once you have accrued 40 hours each of annual and sick leave, you do **not** continue to accrue leave. The accrued leave is placed in separate accounts and is released to you when your medical emergency ends. If you exhaust all your emergency leave, your accrued annual and sick leave held in your separate accounts will be made available for your use. If you continue in a shared leave status after you have exhausted all your emergency leave and the leave held in your separate accounts (less than 40 hours), you may continue to accrue leave in your separate accounts only those additional hours which will equal 40 hours each of annual and sick leave.

What forms do I need to participate?

An employee may make voluntary written application to the Leave Bank Board to become a leave contributor. To make a contribution or apply for membership in the Leave Bank, you must submit a completed Request for Leave or Approved Absence (SF-71), which can be accessed through Informs on your computer, or a form developed by your component and approved by the Leave Bank Board.

Employees using the SF-71 should fill in the following Items:

- 1, 2, and 3,
- 4 (check accrued or restored annual leave and specify in each category the number of hours of leave to be contributed),
- 6 (specify year, identify donation as Leave Bank membership or contribution, if applicable, indicate whether the leave is **USE-OR-LOSE**, and/or request that your donation be given to a specific recipient),
- 7 (sign and date the application), and
- 8 (as with all SF-71s, a supervisor's signature and date are required).

The membership fee for one leave year is set by the Leave Bank Board for a particular enrollment period. The Leave Bank Board may raise or lower this fee, at its discretion, to meet the needs of the Leave Bank membership. All membership and non-membership contributions will be deposited in the Leave Bank.

Employees can become Leave Bank members only during open season; however, you may, if you wish, contribute extra hours beyond your basic membership fee to the Leave Bank any time during the year. Contributions outside an open or individual enrollment period will not entitle you to membership in the Leave Bank. You may request that your donation be given to any approved leave recipient other than your immediate supervisor. If the recipient's medical emergency ends, any unused leave is restored to the Leave Bank. All applications (membership, contributions, and/or specific donations) should be submitted to your Leave Sharing Coordinator via your timekeeper.

How do I appeal a denial of Leave Bank membership and/or emergency leave by the Leave Bank Board?

The Leave Bank is not an entitlement, but a voluntary membership program. Prospective members donate a specified minimum amount of leave to the Bank during Open Season after which they become members. If they fail to donate the leave, miss the Open Season, or otherwise not meet the requirements of membership, they do not become members.

In order to address the needs of individuals who were potential members but for whatever reasons (in a medical emergency during Open Season, administrative error, etc.) were unable to enroll in the Bank, the Board has determined that, should these individuals have a medical emergency as defined by Office of Personnel Management regulations, it would consider a petition for waiver of membership. Based upon their explanation of need and reasons why they were unable to join the Bank, the Board would consider granting membership. This may include a waiver of the required membership contribution for the current membership year. The Board will consider only individual requests for waivers of membership, and will decide each request on a case-by-case basis.

If the Leave Bank Board denies your request for emergency leave, you will receive a letter from the Board explaining the reasons for the denial. If you feel that the Board has overlooked some important information regarding your request, you may appeal the Board's decision in writing. Your statement should include relevant information about why your case should be reconsidered, especially any medical information that may have been omitted from your request, and must be signed. Your case will be presented to the Board again for its review. You will again be notified, in writing, of the Board's decision regarding your case.

To appeal any Leave Bank Board decision, **write** to the Board at the following address:

DOJ Leave Bank Board
1331 Pennsylvania Avenue, NW, Suite 1110
National Place Building
Washington, DC 20530

Its decision on any appeal is final