

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
ICE Voluntary Leave Transfer Program (VLTP)

OFFICE OF PRIMARY INTEREST: OFFICE OF HUMAN RESOURCES
MANAGEMENT

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DIRECTIVE TITLE: Voluntary Leave Transfer Program (VLTP)

1. **PURPOSE and SCOPE.** The purpose of this Directive is to set forth the basic provisions and establish the procedures for administration of the Voluntary Leave Transfer Program (VLTP) within the U.S. Immigration and Customs Enforcement (ICE). Under this program, unused accrued annual leave of one employee may be transferred for use by another employee who needs such leave because of a medical emergency. This Directive applies to all components of ICE.
2. **AUTHORITIES and REFERENCES.**
 - 2.1 Public Law 100-566.
 - 2.2 5 U.S.C. 6331-6340.
 - 2.3 5 CFR 630.901-630.913, Subpart I.
3. **SUPERSEDED/CANCELLED POLICY/SUMMARY OF CHANGES.**

This Directive supersedes previous issuances and previously recognized processes for management and oversight of this program.
4. **BACKGROUND.** Public Law 100-566 and regulations issued by the Office of Personnel Management (OPM), 5 CFR 630.901-630.913, Subpart I, direct agencies to establish a program under which the accrued annual leave of employees may be transferred for use by other employees who need such leave because of a medical emergency as defined below. This Directive applies to all ICE employees who are covered by the leave provisions of 5 U.S.C. 6331-6340. Intermittent employees who do not have an established regular tour of duty during the administrative workweek are excluded from coverage under this program.
5. **DEFINITIONS.**
 - 5.1 **Medical Emergency** is a medical condition of a full-time employee or a family member of such employee that is likely to require a prolonged absence (at least 24 hours) from work resulting in a substantial loss of income because of the unavailability of paid leave to cover the absence.
 - 5.2 **Family Member** is a person related to the employee as follows: spouse; parents of the spouse; children, including adopted 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.

- 5.3 Substantial Loss of Income** is loss of income resulting from an absence from duty without available paid leave (excludes advanced leave) because of a medical emergency when the absence is, or is expected to be, at least 24 hours in duration for full-time employees or at least 30 percent of the average number of hours of work in a part-time employee's biweekly tour.
- 5.4 Available Paid Leave** is accrued or accumulated annual or sick leave. It does not include annual or sick leave advanced to an employee or any annual or sick leave accrued under the special 40-hour set-aside accounts, which is not available until the termination of the medical emergency.
- 5.5 Paid Leave Status** means the administrative status of an employee while the employee is using annual or sick leave accrued or accumulated.
- 5.6 40-Hour Set-Aside Account** is the maximum amount of annual and sick leave that may be accrued by an employee while in a shared leave status in connection with any particular medical emergency. (Note: In the case of a part-time employee or an employee with an uncommon tour of duty, the maximum amount is the average number of hours in the employee's weekly scheduled tour of duty.)
- 5.7 Leave Recipient** is an employee approved to receive annual leave from other employees under the VLTP.
- 5.8 Leave Donor** is an employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient is approved by his or her employing agency.
- 5.9 Leave Year** begins on the first day of the first full biweekly pay period in a calendar year. A leave year ends on the day immediately before the first day of the first full biweekly pay period in the following calendar year.
- 5.10 Shared Leave Status** is the administrative status of an employee using leave transferred to him or her under the provisions of VLTP.
- 5.11 VLTP Screening Committee** (the Committee) is a committee established to review and act on applications for donated annual leave. The committee may designate an individual to act on its behalf.
- 6. POLICY.** It is the policy of ICE to permit the transfer of annual leave between employees in situations involving medical emergencies. However, this program in no way alters management's continuing responsibility and authority to administer the general leave program.
- 7. RESPONSIBILITIES.**
- 7.1 Office of Human Resources Management (OHRM)** is responsible for:
- 7.1.1** Soliciting and accepting nominations from ICE components for members of the VLTP Screening Committee;
- 7.1.2** Serving as a source of technical information for supervisors, the VLTP Screening Committee, National Finance Center (NFC), and timekeepers regarding VLTP;

- 7.1.3 Providing advice and assistance to supervisors, the VLTP Screening Committee, NFC, and employees by interpreting regulations and processing the necessary paperwork required by the program; and
- 7.1.4 Submitting an annual report to OPM concerning the administration of the ICE VLTP.
- 7.2 The VLTP Screening Committee:**
 - 7.2.1 Verifies that the employee's Application to Become a Leave Recipient under the Voluntary Leave Transfer Program, OPM Form 630 (see Attachment A) is in compliance with the regulations of VLTP;
 - 7.2.2 Within 10 business days from the submission date of the application, notifies the employee in writing of the approval or disapproval, and if applicable, the reason(s) for the disapproval;
 - 7.2.3 Sends a copy of the approved recipient's application to NFC, Payroll Branch;
 - 7.2.4 Monitors the status of the leave recipient's medical emergency and notifies NFC when the leave recipient is no longer affected by the medical emergency; and
 - 7.2.5 Provides input and assistance to OHRM in compiling the data needed for the annual OPM VLTP Survey.
- 7.3 The National Finance Center (NFC):**
 - 7.3.1 Ensures that annual and/or sick leave, when appropriate, that accrues to the account of the leave recipient is used before any donated annual leave;
 - 7.3.2 Credits donated annual leave to the leave account of the leave recipient;
 - 7.3.3 Maintains an appropriate file for leave transfer documents;
 - 7.3.4 Ensures that leave recipient continues to earn and accrue annual and sick leave while in a donated leave status up to the maximum amount of 40 hours and maintains this leave in a separate account;
 - 7.3.5 Ensures that any annual and sick leave earned while under a donated leave status is not available for use by a leave recipient for the duration of the medical emergency (See Section 8.2.1.);
 - 7.3.6 When necessary, contacts the donor's employing agency, if the donor is not an ICE employee, to ensure that the donation of leave has been approved by the employing agency;
 - 7.3.7 Restores any unused donated leave to the accounts of the donors in accordance with the provisions of this Directive; and,
 - 7.3.8 Provides input and assistance to OHRM in compiling the data needed for the annual OPM VLTP Survey. OHRM will request this information from NFC in writing and as soon as possible after receiving OPM's request.

7.4 Leave Recipient's Timekeeper:

- 7.4.1** Maintains communication with NFC to ensure donated leave is credited to the leave recipient's account;
- 7.4.2** Indicates in the remarks section of the Time and Attendance record the number of hours of donated annual leave used each pay period; and
- 7.4.3** Notifies NFC of any change in the recipient's status, e.g., part-time employment, return to duty, medical information, or any other information pertinent to proper administration of VLTP.

8. PROCEDURES.

- 8.1.1** Leave Transfer Procedures. An employee wishing to receive donated annual leave, or his or her designee if the employee is unable to do so, may apply to become a leave recipient by completing and submitting the Application to Become a Leave Recipient form (see Attachment A) to the VLTP Screening Committee. The employee, or designee, must briefly describe the nature, severity, and anticipated duration of the medical emergency, and, if it is a recurring one, the approximate frequency of the medical emergency. The employee, or designee, must submit medical certification documenting the medical emergency along with the application.
- 8.1.1** Application Approval Process.
 - 8.1.1.1** The VLTP Screening Committee shall review the employee's, or designee's application and notify the employee or designee of approval or disapproval. The Committee determines if the submitted medical documentation is acceptable and supports approval of the request and determines if the absence from duty will be for at least 24 hours (or, in the case of a part-time employee or employee with an uncommon tour of duty, at least 30 percent of the average number of hours in the employee's biweekly scheduled tour of duty).
 - 8.1.1.2** The VLTP Screening Committee shall notify the employee or designee of the decision, in writing, within 10 calendar days of receipt of the application.
 - 8.1.1.3** The VLTP Screening Committee shall review each donor's designation of leave to an approved recipient to ensure that the recipient is not the donor's immediate supervisor, and that the donor is not transferring more leave than is permitted under the authorizing regulations. (See Sections 8.4.5 and 8.4.6).
 - 8.1.1.4** The VLTP Screening Committee shall administer a control and follow-up system to monitor the eligibility of recipients for continued participation. When necessary, it shall notify recipients and their supervisors and/or timekeepers of their termination as participants and provide the reason for such action (i.e., the termination of the medical emergency).
 - 8.1.1.5** The VLTP Screening Committee shall prepare a memorandum of notification and forward the approved application package to:

U.S. Department of Agriculture National Finance Center
New Orleans, Louisiana 70160
Attn: Payroll Branch

8.1.2 Soliciting Donations.

- 8.1.2.1** If necessary, and with the concurrence of the approved applicant, the VLTP Screening Committee shall publicize via broadcast message, the name, nature of the medical emergency, the estimate of leave requirements, and other pertinent information. Disclosure of information provided by the applicant in support of his or her application to become a leave recipient shall be in accordance with applicable laws, rules, and regulations.
- 8.1.2.2** Once approved, employees are eligible to receive annual leave donated from other federal employees. Employees wishing to become donors must complete the Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program. (See Attachment B, OPM Form 630-A.) Donations of leave may come from within the ICE workforce and from employees of other agencies covered by the same leave provisions. (See Attachment C, OPM Form 630-B.)
- 8.1.2.3** Donations shall first be solicited from within ICE and from employees of U. S. Customs and Border Protection. If the number of hours of donated leave received from this initial solicitation is insufficient to meet the need, ICE shall expand the broadcast message to include requests for donations from employees of other agencies.
- 8.1.2.4** Notwithstanding information in the previous paragraph, employees from other agencies may donate leave to an approved leave recipient at any time the leave transfer request is approved.

8.1.3 Prohibition Against Coercion.

- 8.1.3.1** An employee may not directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with the right such employee may have with respect to donating, receiving, or using annual leave in accordance with this Directive.
- 8.1.3.2** For the purpose of paragraph 8.1.3.1 above, the terms "intimidate, threaten, or coerce" include promising to confer or conferring any benefit (such as an appointment, promotion or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion or compensation).

8.2 Accrual of Annual and Sick Leave.

- 8.2.1** While in a shared leave status, a leave recipient may earn up to 40 hours each of annual and sick leave. Leave earned while in a shared leave status is placed in a reserve account for use after the medical emergency terminates or, if the medical emergency continues, after the recipient exhausts transferred leave. At the beginning of the first pay period following the termination of the medical emergency, this accrued annual and sick leave shall be transferred to the regular leave accounts of the former leave recipient. However, if the medical emergency ends upon the termination of the recipient's service with the Federal Government, no transfer of accrued leave shall occur.

- 8.2.2** If the recipient is not continuously in a donated leave status, all time while not in such a status counts toward normal earnings and accruals of annual and sick leave. The limitation applies only to the earnings of annual and sick leave while actually in a donated leave status. Any available annual and sick leave earned while not in a donated leave status must be used before any donated leave may be used.
- 8.3 Use of Donated Annual Leave.**
- 8.3.1** Donated annual leave may not be used until the leave recipient has exhausted all of his or her annual leave and sick leave (if sick leave is applicable).
- 8.3.2** Donated annual leave can be used only in connection with the medical emergency for which it is donated. The approval and use of transferred leave is subject to the same conditions as used for regular leave.
- 8.3.3** Donated annual leave may be substituted retroactively for periods of leave without pay (LWOP) or it may be used to liquidate an indebtedness for advanced annual or sick leave granted on or after the date established as the beginning of the period of the medical emergency for which LWOP or advanced annual or sick leave was granted.
- 8.3.4 Donated annual leave may not be:**
- 8.3.4.1** Transferred by the original recipient to another leave recipient. Only the donor may do this;
- 8.3.4.2** Included in a lump-sum payment; or
- 8.3.4.3** Made available for recredit upon reemployment by a federal agency.
- 8.4 Donation of Leave.**
- 8.4.1** Only annual leave may be donated and transferred to a leave recipient's account.
- 8.4.2** In any given leave year, a leave donor may not donate 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 donation is made.
- 8.4.3** The maximum amount of leave that may be donated by a donor who is projected to have annual leave that would otherwise be subject to forfeiture at the end of the leave year will be the lesser of:
- 8.4.3.1** One-half of the amount of annual leave the donor would be entitled to accrue during the leave year in which the donation is made; or,
- 8.4.3.2** The number of hours remaining in the leave year (as of the date of the transfer) for which the leave donor is scheduled to work and receive pay.
- 8.4.4** Annual leave may not be donated from a donor's leave account to any other leave account more often than once every four (4) pay periods. The minimum donation is 1 hour, and all donated leave must be used in 1-hour increments.

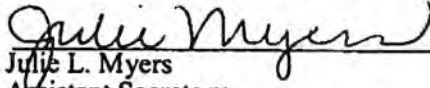
- 8.4.5 OHRM management reserves the right to limit the number of hours donated to a leave recipient if the amount of leave donated appears to exceed the amount reasonably needed by the recipient. The VLTP Screening Committee shall review the circumstances and recommend action to OHRM management. If the medical emergency lasts longer than expected, the transfer of additional donations may be authorized. Prior to the transfer of additional donations, the leave recipient may be required to submit additional medical documentation for review by the VLTP Screening Committee. The Committee shall provide a copy of additional documentation to the NFC Payroll Branch for inclusion in the recipient's case file.
- 8.4.6 Annual leave shall not be donated to an employee's immediate supervisor.
- 8.5 **Termination of the Medical Emergency.**
 - 8.5.1 An employee's medical emergency terminates when:
 - 8.5.1.1 The leave recipient's federal service is terminated; or
 - 8.5.1.2 At the end of a biweekly pay period in which the leave recipient or personal representative submits a written notice to the leave recipient's supervisor that the leave recipient is no longer affected by a medical emergency; or
 - 8.5.1.3 At the end of the biweekly pay period in which ICE receives notice that OPM has approved an application for disability retirement for the leave recipient under the Civil Service Retirement System or the Federal Employees Retirement System.
 - 8.5.2 The VLTP Screening Committee shall monitor the status of the medical emergency to ensure that the leave recipient continues to require the use of donated leave.
- 8.6 **Restoration of Transferred Annual Leave.**
 - 8.6.1 Any transferred annual leave remaining to the credit of a leave recipient when the medical emergency terminates shall be restored to the leave accounts of the donors currently employed by the Federal Government in whole hour increments, to the extent administratively possible. The donors may elect to re-donate any unused balances to new leave recipients at this time.
 - 8.6.2 **Restoration Process.**
 - 8.6.2.1 NFC shall restore any unused donated annual leave to the leave accounts of the donors on a pro-rata basis.
 - 8.6.2.2 Any unused donated annual leave restored to the leave account of a donor shall be reflected on the donor's earnings statement.
 - 8.6.3 **Limitations of Restoration.**
 - 8.6.3.1 If the total number of eligible leave donors exceeds the total number of hours of annual leave to be restored, no unused donated annual leave shall be restored.

- 8.6.3.2** The amount of annual leave restored to a leave donor shall not exceed the amount transferred to the leave recipient by the leave donor.
- 8.6.3.3** Transferred annual leave restored to the account of a leave donor before the beginning of the third biweekly pay period before the end of the leave year shall not cause the donor's annual leave balance to exceed 240 hours.
- 8.6.3.4** If the leave donor separates from Federal service before the date the unused donated leave can be restored, the unused leave shall not be restored to the donor.
- 8.6.3.5** Transferred annual leave restored to the account of a leave donor after the beginning of the third biweekly pay period before the end of the leave year shall not be subject to the 240-hour ceiling until the end of the year following the leave year in which the transferred annual leave was restored.
- 8.6.3.6** At the election of the leave donor, unused transferred annual leave restored to the leave donor may be restored by:
- Crediting the restored annual leave to the leave donor's annual leave account in the current leave year;
 - Crediting the restored annual leave to the leave donor's annual leave account effective as of the first day of the first leave year beginning after the date of election; or
 - Donating such leave in whole or part to another leave recipient.
- 8.6.3.7** If a leave donor elects to donate only part of his or her restored leave to another leave recipient, the leave donor may elect to have the remaining leave credited to the leave donor's annual leave account.
- 8.6.3.8** If a leave recipient elects to buy back annual leave as a result of claim for an employment-related injury approved by the Office of Workers' Compensation Program, and the annual leave was transferred under this program, the amount of annual leave bought back by the leave recipient shall be restored to the leave donor(s).
- 8.7** Records Maintenance. The VLTP Screening Committee shall maintain all documentation pertaining to VLTP and the use of donated leave (e.g., Application to Become a Leave Recipient, Request to Donate Annual Leave to Leave Recipient, and Time and Attendance records of the leave recipient). The documentation shall be maintained for a period of 3 years following the termination of the leave recipient's medical emergency.

9. **ATTACHMENTS.**

- 9.1 **Attachment A:** Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program (OPM Form 630).
- 9.2 **Attachment B:** Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (Within Agency – OPM Form 630-A).
- 9.3 **Attachment C:** Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (Outside Agency – OPM Form 630-B).
10. **NO PRIVATE RIGHT STATEMENT.** This Directive is an internal policy statement of ICE. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States; its departments, agencies, or other entities; its officers or employees; or any other person.

Approved


Julie L. Myers
Assistant Secretary

Voluntary Leave Transfer Program (VLTP)
