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Date

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**DEPARTMENT OF COMMERCE  
OFFICE OF HUMAN RESOURCES MANAGEMENT**

**HUMAN RESOURCES BULLETIN #096 FY09**

**SUBJECT:** Emergency Leave Transfer Program for Major Disasters or Emergencies

**EFFECTIVE DATE:** Retroactive to December 4, 2008

**AMENDS:** Department of Commerce Handbook on Hours of Duty and Leave Administration, Emergency Leave Transfer Program for Major Disasters or Emergencies (see <http://hr.commerce.gov/Practitioners/CompensationAndLeave/index.htm>)

**BACKGROUND:** The Emergency Leave Transfer Program for Major Disasters or Emergencies provides alternative methods to assist employees in the event of a pandemic health crisis or other major disaster or emergency as declared by the President. In coordinating the Government-wide transfer of donated annual leave in the aftermath of Hurricane Katrina, the Office of Personnel Management (OPM) found that some aspects of the current regulations limited the intent of the program to provide a benefit to employees adversely affected by major disasters or emergencies. In addition, OPM found that provisions of the program did not support the Government-wide standardization of pay and leave policies or assist in simplifying payroll processing under the e-Payroll initiative.

**PURPOSE:** The purpose of this HR Bulletin is to provide updated guidance on the transfer of donated annual leave under the Department's Emergency Leave Transfer Program for Major Disasters or Emergencies.

**COVERAGE AND EXCLUSIONS:** Provisions of this HR Bulletin are applicable to all employees covered under Title 5, Code of Federal Regulations (CFR), Part 630, Absence and Leave. Exceptions are available on the Office of Human Resources Management web site at: <http://hr.commerce.gov/Practitioners/CompensationAndLeave/index.htm>.

**POLICY:**

01. In some instances where the President has not declared an emergency or disaster and directed OPM to establish an emergency leave transfer program, OPM may delegate the authority for a Department to establish such a program. This authority is usually granted when an emergency or disaster affects only one Department and the Department has sufficient donated annual leave to cover all affected employees.
02. Heads of operating units are delegated the authority to allow an approved emergency leave recipient to receive additional donations of annual leave based on the employee's continuing need not to exceed 240 hours. Additional donations may only be authorized after taking into consideration the amount of donated annual leave available to all approved emergency leave recipients and the individual needs of those recipients.
03. Annual leave donations may be accepted from a leave bank administered by another Department during a Government-wide transfer of annual leave.
04. Annual leave donations may be accepted from or transferred to employees of Judicial branch entities.
05. An emergency leave recipient's status ends under certain conditions; however, termination is at the earliest occurrence of one of the listed conditions (see [http://hr.commerce.gov/Practitioners/CompensationAndLeave/DEV01\\_006624](http://hr.commerce.gov/Practitioners/CompensationAndLeave/DEV01_006624)).
06. Donated annual leave that is not used by approved emergency leave recipients is redistributed to the emergency leave donors in an amount that is proportional to the amount of leave donated and in a minimum of 1-hour increments for processing purposes. Any unused annual leave remaining after the redistributions of leave must be forfeited. In addition, all redistributed leave must be returned to its point of origin; i.e., if all the leave was donated from a leave bank, the leave must be redistributed to that leave bank.

**REFERENCES:** Title 5, CFR, Part 630, Subpart K.

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