

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

District Personnel Manual Issuance System

DPM Instruction No. 12-35

This instruction should be filed behind the divider for Part III of DPM Chapter(s) 12

SUBJECT: Voluntary Leave Transfer Program

Date: April 21, 2008

This District Personnel Manual (DPM) instruction supersedes DPM Instruction No. 12-23, *Voluntary Leave Transfer Program*, dated March 6, 2004, for the purpose of revising the definition of the term "*immediate relative*;" and to make non-substantive modifications throughout the instruction.

This DPM instruction provides information to agencies and employees on the *Voluntary Leave Transfer Program*.

1. Authority

The Voluntary Transfer of Leave Amendment Act of 2003, effective February 6, 2004 (D.C. Law 15-68; D.C. Official Code §§ 1-612.31 through 1-612.38); and section 1282 of Chapter 12 of the D.C. personnel regulations, Hours of Work, Legal Holidays and Leave.

2. General

- a. The *Voluntary Leave Transfer Program* is separate and distinct from the *Annual Leave Bank Program* pursuant to D.C. Official Code §§ 1-612.04 through 1-612.11 and sections 1250 through 1258 of Chapter 12 of the regulations.
- b. While the D.C. Department of Human Resources (DCHR) administers the *Annual Leave Bank Program*, individual agencies (including independent agencies) are required to establish and administer a *Voluntary Leave Transfer Program* to allow agency employees to transfer accrued annual or universal leave to the annual or universal leave account of any other eligible employee who is confronted with a serious health condition or has the responsibility to provide personal care to an immediate relative.
- c. Annual or universal leave transfers under the *Voluntary Leave Transfer Program* are made on an hour-to-hour basis.

Note: DPM Instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart 1, § 1.3]

Inquiries: Benefits and Recruitment Administration, DCHR (202) 442-9655

Distribution: Heads of Departments and Agencies, HR Advisors, and DPM Subscribers

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- d. The amount of leave transferred under the Voluntary Leave Transfer Program shall not exceed 320 hours during any 12-month period.

3. Definitions

For the purposes of this instruction, the following terms have the meaning ascribed:

Agency – any unit of the District government required by law, the Mayor, or the Council of the District of Columbia (Council), to administer any law, rule, or any regulation adopted under authority of law. The term also includes any unit of the District government created by the reorganization of 1 or more of the units of an agency and any unit of the District government created or organized by the Council as an agency.

Agency head – the highest ranking official of an agency or his or her designee.

Child – any person under 21 years of age; 21 years of age or older who is substantially dependent upon the eligible employee by reason of physical or mental disability; and a person under 23 years of age who is a full-time student.

Domestic partner – a person with whom a District government employee enrolled in the D.C. Employees Health Benefits Program (applicable to individuals first employed on or after October 1, 1987); and maintains a committed relationship and who has registered the domestic partnership with the District of Columbia Department of Health.

Eligible Employee – an individual who performs services for the District government as an employee; receives compensation for the performance of such services; is eligible to accrue annual or universal leave; and has been employed for at least 1 year without a break in service.

Immediate relative – an individual who is related by blood or marriage to an employee covered by Chapter 12 of the regulations as father, mother, child, husband, or wife; an individual for whom an employee covered by Chapter 12 of the regulations is the legal guardian; or the domestic partner of an employee covered by Chapter 12 of the regulations.

Intimidate, threaten, or coerce – includes promising to confer or conferring any benefit such as appointment, promotion, or compensation; or effecting or threatening to effect, any reprisal such as deprivation of appointment, promotion, or compensation.

Leave contributor – an employee who contributes annual or universal leave to be transferred to a designated recipient employee.

Personal care – custodial or primary assistance that helps an immediate relative of an eligible employee with activities of daily living, including bathing, eating, dressing, and continence. This definition includes the recent adoption of a child and the care of a newborn child by the eligible employee.

Prolonged absence – an eligible employee's absence from duty for at least 10 consecutive workdays that will result in a substantial loss of income to the eligible employee because of the unavailability of paid leave.

Recipient employee – an eligible employee who is designated to receive annual or universal leave transferred from a leave contributor.

Serious health condition – any pregnancy or physical or mental illness, injury, or impairment that involves a hospital, hospice, or residential health care facility or continuing treatment at home by a competent health care provider or other individual.

4. Provisions of the Voluntary Leave Transfer Program (Program)

a. Employee application to receive transferred leave under the Program

- (1) An eligible employee who anticipates experiencing prolonged absence due to a serious health condition; or to provide personal care to an immediate relative, may make written application to his or her agency head to become a recipient employee under the *Program*.
- (2) If the eligible employee is not capable of making an application on his or her own behalf, another agency employee may make written application on the employee's behalf.
- (3) The information contained in an application may only be used for the purpose of making a decision with regard to the application; and all information contained in and accompanying the application must be kept confidential.
- (4) All applications to receive transferred leave under the *Program* should include at least all of the following:
 - (a) The eligible employee's name, position title, and grade;
 - (b) The name and organizational location within the agency of the potential leave contributor;
 - (c) The anticipated duration of the absence;
 - (d) The number of hours of leave requested;
 - (e) An affidavit attesting that the individual requiring personal care is an immediate relative, or that the personal care is due to the recent adoption of a child or to care for a newborn child; and
 - (f) Certification from a physician or other licensed health care professional that the eligible employee has experienced a serious health condition or that the employee's immediate relative requires personal care, except that no certification shall be required in cases of pregnancy, the recent adoption of a child, or care of a newborn child.
- (5) An eligible employee may only receive an annual or universal leave contribution from an employee within his or her respective agency.

b. Agency consideration of employee applications to receive transferred leave under the Program

- (1) The agency head will promptly consider employee applications to receive transferred leave under the *Program*.
- (2) If the agency head determines that the agency or a program within the agency would be substantially disrupted from carrying out its functions or would incur additional costs because of an employee's or group of employees' participation in the *Program*, the agency head may exclude the employee or group of employees from the *Program*.
- (3) When a determination is made to exclude an eligible employee or group of eligible employees from receiving transferred leave under the *Program* for the reasons specified above, the agency head must submit a report to the Director, DCHR, specifying how the organization or program would be substantially disrupted from carrying out its functions or would incur additional costs if the eligible employee or group of eligible employees is allowed to participate in the *Program*. This information should also be included in the *Program Report*.
- (4) In addition to the determination described above, before approving an application, the agency head must:
 - (a) Determine if the request to become a recipient employee is necessitated by a prolonged absence due to the employee's serious health condition or the employee's responsibility to provide personal care to an immediate relative; and
 - (b) Review the leave record; consider the probability that the eligible employee may separate from service during the period that the transferred leave would be taken; and any exigency or disruption in service that the agency may experience.
- (5) The agency head must approve or disapprove an application for transfer of leave under the *Program* within 15 calendar days of receipt of the application. If the employee is eligible for leave under the federal Family and Medical Leave provisions of 28 U.S.C. § 2601 *et seq.*, the leave transfer must be granted.

c. Application to become a leave contributor under the Program

- (1) An employee may transfer annual or universal leave to the *Program* by written application to the agency head that specifies the number of hours of annual or universal leave to be transferred.
- (2) The transfer of annual or universal leave cannot total more than ½ of the amount of annual or universal leave that the contributor would have been entitled to

accrue during the leave year; provided that a leave contributor may contribute restored annual leave without limitation.

- (3) Annual leave transferred under the *Program* is to be deducted from the leave contributor's account effective the 1st pay period following approval of the transfer by the agency head. Therefore, once the leave transfer is deemed approved, the appropriate agency official must:
 - Prepare and forward to the Office of Pay and Retirement Services (OPRS), Office of the Chief Financial Officer, a leave adjustment form to reduce the leave contributor's annual leave balance by the number of hours of leave contributed.
- (4) Once the leave adjustment form is received, the OPRS makes the necessary leave adjustments in PeopleSoft.
- (5) Universal leave transferred under the *Program* is to be deducted from the leave contributor's account effective the 1st pay period following approval of the transfer by the Mayor (or his or her designee).

d. Receipt and use of transferred leave

- (1) Agencies must maintain an account of leave transferred to the *Program* and the leave records of each recipient employee and leave contributor.
- (2) Leave can be used in the same manner as if the leave had been accrued by the employee, provided that any annual, universal leave, sick leave, or advanced leave has been exhausted before any leave transferred under the *Program* may be used.
- (3) During the period in which transferred leave is being used, no annual, universal, or sick leave shall accrue to the recipient employee.
- (4) Unused leave is not subject to any form of lump-sum leave payment upon the recipient employee's separation from District government service.
- (5) Any unused transferred leave shall be forfeited (lost); or may be transferred to the *Annual Leave Bank Program* upon the concurrence of the DCHR.

e. Termination of Use of Transferred Leave under the Program

The use of transferred leave shall terminate when:

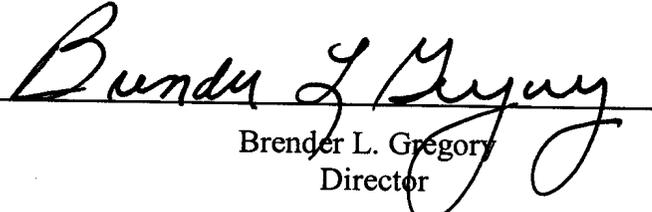
- (1) The recipient employee is no longer affected by the medical emergency; or
- (2) The recipient employee is terminated or separated from District government service.

5. Prohibition of Intimidation, Threat, or Coercion

An agency employee shall not be directly or indirectly intimidated, threatened, or coerced by any other employee for the purpose of interfering with any right that the employee may exercise to contribute, receive, or use annual or universal leave under the *Program*.

6. Voluntary Transfer of Leave Program Report

- a. On or before January 1 of each year**, participating agencies (including independent agencies) shall provide a *Voluntary Transfer of Leave Program Report (Report)* to the DCHR. The *Report* must include:
- (1) A comprehensive list of all voluntary leave bank contributors and transfer of leave recipients;
 - (2) Documentation demonstrating that proper deductions have been taken from the contributor's leave accrual;
 - (3) Documentation demonstrating the actual transfer of leave to the recipient employee; and
 - (4) List of eligible employees or group of employees excluded from the *Program* because approving the request would have resulted in substantial disruption of the functions of the agency as a whole or a component/program within the agency, or would have resulted in additional costs. The list should also include:
 - (a) Information on manner in which the agency or program within the agency would have been substantially disrupted from carrying out its functions; or
 - (b) The amount of additional cost that would have been incurred, and the reasons for the additional costs.
 - (5) Agencies must redact all confidential personal information contained in the report (such as social security number).
- b. The DCHR must submit a *Report* on the *Program* to the Council of the District of Columbia on or before February 1 of each year.** The *Report* must consist of a compilation of the information specified above for all agencies.


Brender L. Gregory
Director