

## Frequently Asked Questions Leave Sharing Programs

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### **1. What is a Leave Bank?**

A Leave Bank is a pooled fund of donated annual and restored leave. Eligible members draw leave from the bank to cover time out the office due to a personal or family medical emergency.

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### **2. What is the Voluntary Leave Transfer Program (VLTP)?**

Under the Voluntary Leave Transfer Program (VLTP), a covered employee may donate annual leave directly to another employee who has a personal or family medical emergency who has exhausted his or her available paid leave.

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### **3. What is the difference between the Leave Bank and the VLTP?**

Both are leave sharing programs that depend on generous annual and restored annual leave donations to provide paid leave to employees experiencing a personal and/or family medical emergency. The primary difference is that the VLTP requires a direct donation from the donor to the recipient; whereas, in the Leave Bank Program, donations go into the bank and are distributed by the Leave Bank Board.

In order to receive leave from the Leave Bank, you must be a member of the bank. Additionally, there are caps on how much leave may be drawn out of the bank and leave transfers are made immediately upon approval. Under the VLTP, there is no membership requirement and there is no limit on the amount of leave that can be donated to a requesting employee, but the amount of leave that an employee may receive is based on what is medically supported. Additionally, under the VLTP, the recipient must wait for donors to donate leave directly to him/her.

The recipient processes also vary. The medical emergency under the Leave Bank is confidential and reviews are based on a medical verification process. Under the VLTP, recipients provide a voluntary disclosure in an effort to receive donations and the decision of use is based on medical documentation. Under the Leave Bank, excess leave goes back to the bank. Under the VLTP, excess leave is returned to donors on a prorated basis.

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### **4. Why do we need a Leave Bank in addition to the VLTP?**

Under the VLTP, employees whose medical emergency resulted in a period of unpaid absence had to rely solely on friends and co-workers to donate annual leave. In some cases, a recipient is new to the Agency and has not established acquaintances or sometimes solicitations for donations are unanswered. Under the Leave Bank, a reserve of leave hours is held in a central Leave Bank and available to all Leave Bank members who are approved to be a leave recipient.

Another reason many employees prefer the Leave Bank is because the program does not disclose medical emergencies. This would be especially important if it were a very personal condition.

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**5. Can an employee apply to be a recipient in both the Leave Bank and the VLTP?**

Yes; however, since the Leave Bank provides 100% of the medical need up to the caps, the only time a recipient would need leave under VLTP, in addition to the Leave Bank, is if he/she exceed the cap.

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**6. Can a recipient, approved by both the Leave Bank and the VLTP, receive leave from both programs?**

Yes.

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**7. What happens if someone is under dual enrollment, and the medical documentation under the VLTP is not consistent with the Leave Bank medical review?**

The Leave Bank Office will send the medical documentation (received from the employee) to the Medical Consultant for consultation with the employee's Medical Provider about the discrepancy. In the interim, the medical review trumps the medical documentation.

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**8. Who is eligible to become a member of Leave Bank?**

Federal civilian employees of the NIH.

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**9. How can an employee enroll to become a member of the Leave Bank?**

An eligible employee can enroll during an enrollment period. A membership contribution of one pay period's accrual of annual leave is required.

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**10. If an employee is unable to make the membership contribution, is he/she unable to join?**

If the applicant does not have sufficient leave to make the membership contribution or if he/she is a VLTP participant, the membership contribution will automatically be waived.

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**11. When can I enroll and become a member of the Leave Bank?**

There will be an annual open enrollment period, mid-November through mid-December. The open enrollment period will last for at least 30 calendar days.

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## **12. How much leave must I contribute to join the Leave Bank?**

To join the Leave Bank, there will be a minimum annual leave contribution amount required. The yearly contribution amount will be one pay period's worth of annual leave based on the employee's annual leave category as follows: 4 hours if you have performed less than 3 years of Federal service; 6 hours if you have performed 3 or more, but less than 15, years of Federal service; 8 hours if you have performed 15 or more years of Federal service. This minimum contribution requirement also applies to part-time employees.

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## **13. What period of time is covered by joining the Leave Bank during the open enrollment period?**

One leave year, which starts with pay period one of the upcoming leave year and ends with the last pay period of the applicable leave year. If a new employee joins during his/her individual enrollment period, the membership will follow the entry on duty date through the last day of the last pay period of that year.

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## **14. Will I need to join the Leave Bank each year to continue my membership?**

Once you join the Leave Bank, you will automatically be re-enrolled each year unless you take action in ITAS to opt out during the open enrollment period.

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## **15. Can I join the Leave Bank if I am currently an approved leave recipient in the VLTP?**

Yes.

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## **16. Would a pre-existing condition prevent me from joining and receiving leave from the Leave Bank?**

No.

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## **17. Can I donate more annual leave than the required contribution amount during an enrollment period?**

Yes.

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## **18. Who may donate leave to the Leave Bank?**

Any Federal civilian employee.

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## **19. Who is considered a family member for Leave Bank purposes?**

Family member means an individual with any of the following relationships to the employee:

- Spouse, and parents thereof;
- Sons and daughters, and spouses thereof;
- Parents, and spouses thereof;
- Brothers and sisters, and spouses thereof;
- Grandparents and grandchildren, and spouses thereof;
- Domestic partner and parents thereof, including domestic partners of any individual in 2 through 5 of this definition; and
- Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

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## **20. What are the eligibility requirements for becoming a Leave Bank recipient?**

An applicant must:

1. Be a current Leave Bank member;
2. Experience a qualifying medical emergency, which is projected to result in at least 24 hours of non-pay status; and
3. Complete and submit a Leave Recipient package to the Leave Bank Office no later than 30 calendar days following the termination of the medical emergency.

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## **21. What are the eligibility requirements for becoming a VLTP recipient?**

An applicant must:

1. Experience a qualifying medical emergency, which is projected to result in at least 24 hours of non-pay status; and
2. Complete and submit a VLTP form along with supporting medical documentation to the VLTP Coordinator no later than 30 calendar days following the termination of the medical emergency.

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**22. If my Leave Bank recipient application is complete, how long will it take to be notified of a decision?**

Recipient applications are processed within 10 business days.

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**23. What rights does an applicant have if his/her recipient application is disapproved?**

Under VLTP, he/she can discuss the disapproval with the VLTP Coordinator.

Under the Leave Bank, the applicant may submit an appeal request. Once appealed, the case will go to a different medical consultant for a new review. If the decision is based on the amount of leave in the Bank, the applicant may not appeal.

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**24. What if I am an approved leave recipient and decide to apply for disability retirement?**

When you discuss applying for disability retirement with your Benefits Specialist, inform him/her that you are an approved leave recipient because leave donations can have a negative impact on your entitlements to retroactive pay if you are approved for disability retirement.

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**25. As a Leave Bank recipient, what happens if I do not use all the hours I receive from the Leave Bank?**

Any unused hours must be returned to the Leave Bank.

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**26. Will employees on "leave restrictions" be allowed to apply and receive donations from the Leave Bank?**

The Leave Bank Office will consult with the Employee Relations Specialist and make determinations on an individual basis.

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**27. Can I donate sick leave to the Leave Bank?**

No, by law, sick leave cannot be donated to a Leave Bank or a recipient of the VLTP.

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**28. Can I change my mind after I have donated leave to the Leave Bank and request to have my leave returned?**

No, by law, donations to a Leave Bank or to a Leave Recipient cannot be returned to the donor after the donation has been processed.

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**29. What happens to my Leave Bank membership if I resign, retire, or transfer, etc.?**

Membership is automatically cancelled when an employee resigns, retires, transfers to another Federal agency, or dies. The cancellation is effective on the date of the action. There is no refund of the membership contribution or leave donation.

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**30. How and when can I cancel my Leave Bank membership?**

You may opt out during an open enrollment period using ITAS.

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**31. Can my Leave Bank recipient status be terminated?**

Yes, a member's recipient status can be terminated for:

- fraud, that is, falsifying medical documentation;
- inability to verify leave used or refusal of verification;
- falsifying time and attendance information; and
- using donated leave for hours unrelated to the medical emergency.

Note: Falsifying or altering any Government or medical document(s) can lead to disciplinary action, including suspension from work or termination of employment.

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**32. . I am a Leave Approving Official, do I have to approve Leave Bank leave?**

Only if the employee invokes FMLA.

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**33. . I have an employee who is going to be out of the office for a medical emergency. This employee would like to use his/her annual leave for a family vacation before the medical emergency. Do I have to approve this?**

No. We recommend that you discuss the case with your Employee Relations Specialist.

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