



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

October 6, 2023

PERSONNEL BULLETIN NO: 23-10

SUBJECT: Emergency Leave Transfer Program

1. Purpose.

This Personnel Bulletin (PB) establishes procedures for the administration of the Department of the Interior's (DOI or Department) Emergency Leave Transfer Program (ELTP). An ELTP permits employees in the executive and judicial branches to donate unused annual leave for transfer to employees within their agency or to other Federal employees severely affected by a major disaster or emergency as declared by the President.

2. Authorities.

- A. Title 5 of the United States Code (U.S.C.), Section 6391
- B. 5 Code of Federal Regulations (CFR), part 630, subpart K
- C. OPM Compensation Policy Memorandum (CPM) 2017-16, Guidance on Multiple Emergency Leave Transfer Programs, dated November 2, 2017

3. Coverage.

This policy applies to all DOI employees within all Bureaus and Offices of the Department. This PB supersedes any other Departmental or Bureau/Office policies or procedures that conflict with this policy. Bureaus/Offices may issue implementing procedures consistent with this policy.

4. Definitions.

- A. Disaster or Emergency. A major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of Federal employees (e.g., loss of life or property, serious injury, or mental illness as a result of a direct threat to life or health).

- B. Emergency Leave Donor. A current Federal employee whose voluntary written request for transfer of annual leave to an emergency leave transfer program is approved by their employing Bureau/Office.
- C. Emergency Leave Recipient. A current Federal employee for whom the Bureau/Office has approved an application to receive annual leave under an ELTP.
- D. Family Member. An individual with any of the following relationships with the employee as described by OPM [here](#):
- (1) Spouse and parents thereof;
 - (2) Sons and daughters (including biological, adopted, step, or foster children, or a person who is or was a legal ward of the employee or for whom the employee stands or stood in loco parentis when the individual was a minor or required a legal guardian or someone to stand in loco parentis), and spouses thereof, and the sons or daughters of an employee's spouse or domestic partner;
 - (3) Parents (including biological, adoptive, step, or foster parents of the employee or a person who was a foster parent of the employee, is/was the legal guardian of the employee, or stood in loco parentis to the employee when the employee was a minor, required a legal guardian, or required someone to stand in loco parentis) and the parents of the employee's spouse or domestic partner;
 - (4) Brothers and sisters, and spouses thereof;
 - (5) Grandparents and grandchildren, and spouses thereof;
 - (6) Domestic partner and parents thereof, including domestic partners of any individual in subparagraphs (2) through (5) of this definition; and
 - (7) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- E. Leave Year. A [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. Responsibilities.

- A. Office of Human Capital. The Director, OHC, (The Deputy Chief Human Capital Officer, (DCHCO)) delegates all program and management authority necessary to carry out the functions of the position as described in 112 DM 15; all administrative authorities

described in 212 DM 1.1B, subject to the limitations; and any Personnel Management Authority described in 205 DM 8, subject to the regulations. Accordingly, OHC is responsible for:

- (1) Serving as the liaison between the Department and OPM and managing data calls on estimates for adversely impacted employees and other similar requests.
 - (a) Serving as a liaison between Bureaus/Offices when DOI employees do not have enough donated annual leave within their Bureau/Office to meet the needs of their employees approved for ELTP, to make requests from other DOI Bureaus/Offices.
 - (b) Serving as a liaison with OPM when DOI needs more donated annual leave to meet the needs of their employees approved for ELTP to make requests from other executive agencies.
 - (i) [OPM Form 1639](#), "Transfer of Donated Annual Leave to or From the Emergency Leave Transfer Program," (OPM 1639) will be utilized when OHC makes requests to OPM for these requests.
- (2) Notifying Department Bureaus/Offices through their Servicing Human Resources Offices (SHROs) of open/active ELTPs, monitoring the ELTPs and ensuring their prompt closures, and issuing decisions on extension requests.
- (3) Serving as the approval authority for waivers of the 104-hour donation limitation.
- (4) Serving as the approval authority for employee requests for liquidation of indebtedness due to the emergency or disaster.
- (5) Coordinating the following actions with the DOI payroll service provider.
 - (a) Providing notice that the ELTP has been authorized.
 - (b) Making sure the one-time adjustments to recipients' and donors' leave balances are completed; and
 - (c) Ensuring the ELTP has been closed, including the return of unused donated annual leave to leave donors and leave banks in accordance with [5 CFR 630.1117\(b\)](#).
- (6) Providing policy guidance and accountability oversight of all Department ELTPs.

B. SHROs are responsible for:

- (1) Assisting their Bureaus/Offices with informing employees of an approved ELTP, (see [Appendix A](#)), managing their ELTP programs, and advising on ELTP requests/donations by Departmental policy and local implementation procedures. This includes but is not limited to:
 - (a) Ensuring the leave donor has available leave hours and notifying employees of their approved or disapproved application.
 - (i) Employees must be notified of the approval or disapproval of the application within ten business days (excluding Saturdays, Sundays, and federal holidays) from the date the application is received (or the date established by the agency if that date is later). If disapproved, the reason for disapproval must be provided to the employee in writing.
 - (ii) A leave recipient may receive a maximum of 240 hours of donated annual leave at any one time from an ELTP for each disaster or emergency. Requests for additional disbursements of donated annual leave may be submitted to OHC based on the employee's continuing need. Each disbursement of transferred annual leave may not exceed 240 hours.
 - (iii) The agency may advance annual or sick leave, as appropriate (even if the employee has available annual and sick leave), so that the leave recipient is not forced to use accrued leave before donated annual leave becomes available.
 - (b) Coordinating and monitoring leave usage to ensure that employees are using leave consistent with ELTP requirements and intentions.
 - (c) Submitting requests for waiver of the 104-hour donation limitation through the OHC if sufficient annual leave is not donated.
 - (i) Waivers to exceed the 104-hour donation limitation must be submitted in writing by SHROs to the OHC Workforce Relations Division, Work Life Program Manager, via a memo describing the warranting circumstances necessitating the waiver.
 - (ii) Waiver packages must also include the form [OPM 1638](#), "Request to Donate Annual Leave Under the Emergency Leave Transfer Program," (OPM 1638).

- (iii) Waivers will only be granted when it is anticipated that insufficient donations will be received.
 - (iv) Waivers will not be granted solely to avoid annual leave forfeiture at the end of the leave year.
- (d) Submitting employee requests for liquidation of indebtedness due to the emergency or disaster.
 - (i) Written waivers for liquidation of indebtedness must be submitted to the OHC Workforce Relations Division, Work Life Program Manager, within five (5) workdays of becoming a leave recipient or becoming aware of the indebtedness, whichever occurs first.
- (e) Informing OHC when their Bureau/Office does not have enough donated annual leave to meet the needs of their employees approved for ELTP or requesting an extension of an ELTP.
 - (i) Written requests for leave donations outside the Department or extensions of the ELTP must be submitted to the OHC Workforce Relations Division, Work Life Program Manager, explaining why the donated annual leave does not meet the needs of approved leave recipients or why additional time is required for the ELTP. The request must include the total amount of donated annual leave needed, a description of what efforts have been made to obtain internal voluntary leave donations, and/or any description of why an ELTP extension is required.
 - (ii) Collecting, reviewing, and processing with Interior Business Center (IBC), [OPM Form 1637](#), “Application to Become a Leave Recipient Under the Emergency Leave Transfer Program” (OPM 1637) and [OPM 1638](#) “Request to Donate Annual Leave Under the Emergency Leave Transfer Program” (OPM 1638).
- (2) Maintaining records of leave recipients and donors for Bureau/Office case management purposes.
 - (a) SHROs are required to guard the identity and privacy of leave recipients and donors in accordance with the Privacy Act and other privacy laws and regulations (even if/when a leave recipient wishes to thank a leave donor personally) and must keep communication with leave donors and recipients confidential to the maximum extent practicable and remind bureau managers of the same responsibility.

(3) Advising employees, supervisors, and timekeepers on how to code donor and recipient time and attendance correctly, (see [Appendix B](#)).

(4) Submitting leave donation reports to OHC as requested.

(5) Consulting with the OHC Workforce Relations Division, and Work-Life Benefits Program Manager when there is a policy and/or accountability concern.

C. Bureau/Office Directors. Many of the responsibilities of the Secretary of the Interior have been delegated to the Bureau/Office Directors. The Bureau Directors will be accountable for carrying out the following duties for employees in the Bureaus/Offices under their purview. In consultation with their SHROs, Bureaus/Offices are responsible for:

(1) Managing leave donor/recipient ELTP requests and ensuring proper processing and coding in the timekeeping system. [Appendix C](#) will be consulted when establishing recipient ELTP reviewing guidelines.

(2) Notifying employees as to whether they are approved or disapproved to be a leave recipient.

(a) Employees must be notified of the approval or disapproval of the application within ten business days (excluding Saturdays, Sundays, and federal holidays) after the date the application is received (or the date established by the agency if that date is later). If disapproved, the reason for its disapproval must be provided.

(b) A leave recipient may receive a maximum of 240 hours of donated annual leave at any one time from an ELTP for each disaster or emergency. Requests for additional disbursements of donated annual leave based on the employee's continuing need may be submitted by the Bureau/Office through their SHRO to OHC for approval. Each disbursement of transferred annual leave may not exceed 240 hours.

(c) The agency may advance annual or sick leave, as appropriate (even if the employee has available annual and sick leave), so that the leave recipient is not forced to use accrued leave before donated annual leave becomes available.

(3) Submitting employee 104-hour limitation waiver requests through their SHROs to the OHC for approval.

(4) Submitting employee requests for liquidation of indebtedness due to the emergency or disaster through their SHRO to OHC.

6. Application to be an Emergency Leave Recipient. An employee requesting leave must use [OPM 1637](#). Completed OPM 1637 forms will be submitted to the employee's SHRO within 30

calendar days from the date the ELTP is established for processing. If an employee cannot make a written application, a personal representative may make the application on the employee's behalf. Employees may not apply for the ELTP until the President declares a disaster or emergency and has directed OPM to establish an ELTP.

A. A leave recipient may receive a maximum of 240 hours of donated annual leave at any one time from an ELTP for each disaster or emergency. Requests for additional disbursements of donated annual leave, based on the employee's continuing need, may be submitted to OHC for approval. Each disbursement of transferred annual leave may not exceed 240 hours.

B. An approved leave recipient is not required to exhaust their accrued annual and sick leave before receiving donated annual leave under the ELTP:

- (1) Any donated annual leave a leave recipient receives from an ELTP may be used only for purposes related to the disaster or emergency for which the leave recipient was approved.

C. Annual leave transferred under the ELTP to a leave recipient may be:

- (1) Substituted retroactively for any period of leave without pay (LWOP) used because of the disaster or emergency.
- (2) Used to liquidate an indebtedness incurred by the leave recipient for advanced annual or sick leave used because of the disaster or emergency.
 - (a) If a recipient seeks to use donated leave to liquidate an indebtedness related to the major emergency or disaster within five (5) workdays of receipt of the donation, or when the leave recipient first became aware of the indebtedness, whichever occurred the first, the employee must submit a written memorandum through their SHRO to the OHC Workforce Relations Division Work Life Program Manager describing the circumstances of the indebtedness and describe how this leave was used because of the disaster or emergency.

D. Annual leave transferred under the ELTP to a leave recipient may not be:

- (1) Included in a lump-sum payment.
- (2) Recredited to a former employee who is reemployed by a federal agency.
- (3) Used to establish initial eligibility for immediate retirement or acquire eligibility to continue health benefits into retirement.

E. A leave recipient using donated annual leave continues to accrue annual and sick leave at the same rate as if the employee were in a paid leave status. The employee's annual leave will be subject to the annual leave limitations in [5 U.S.C.6304 \(a\), \(b\), \(c\), and \(f\)](#).

F. Leave recipients affected by multiple emergencies or disasters for which ELTPs were established (e.g., Hurricanes Irma and Maria) may apply to become leave recipients under either or both ELTPs. The leave donation limits apply per declared disaster or emergency. More information on administering multiple ELTPs can be found in the [OPM Compensation Policy Memorandum \(CPM\) 2017-16, Guidance on Multiple Emergency Leave Transfer Programs, dated November 2, 2017](#).

G. A leave recipient may not receive donated leave for any period covered by unemployment benefits or workers' compensation.

H. Bureaus/Offices, in consultation with their SHROs, may set timeframes for leave recipients to use ELTP leave. The timeframe should be reasonable, and employees should be notified that failure to use ELTP donations in the specified timeframe will result in the leave being returned for other employees to use.

7. Emergency Leave Donor Application. An employee may voluntarily donate annual leave to the ELTP using [OPM 1638](#). Completed OPM 1638 forms will be submitted to an employee's SHRO during the leave year in which the ELTP is announced. The leave donor will specify the number of hours of accrued annual leave they request to be transferred from their annual leave account to the ELTP. The minimum amount of annual leave an emergency leave donor may contribute in a leave year is one hour, and the maximum is 104 hours. Leave donors may not donate leave to a specific emergency leave recipient but only to the bank established for this purpose. Annual leave donated to an ELTP may not be applied against the limitations on the donation of annual leave under the voluntary leave transfer or leave bank programs.

A. Donors desiring to donate leave beyond the 104-hour limitation for ELTP donations may only do so when it is anticipated that insufficient donations will be received for the emergency. The donor must submit their OPM 1638 to their SHRO for waiver consideration.

B. Leave donors may allocate leave donations to multiple ELTPs on one form.

(1) The leave donor must clearly state their intent; and

(2) Separate ELTPs will track the donations.

C. Leave Donors may redesignate their donations only if the donated annual leave has not already been taken from donors' annual leave accounts and given to leave recipients. The leave allocation(s) cannot be amended.

(1) To redesignate donations, leave donors must revise the original OPM 1638 within five (5) workdays of submission; and

D. Although the regulations at [5 CFR 630.1117\(c\)](#) state that annual leave donated to an ELTP for a specific disaster or emergency may not be transferred to another ELTP established for a

different disaster or emergency, this is not a prohibition on leave donors donating unused annual leave that is restored to them to another currently operational ELTP.

8. Liquidating Indebtedness. An employee approved as a leave recipient may use donated annual leave to liquidate an indebtedness for advanced annual leave or sick leave used because of the adverse effects of the disaster or emergency or to retroactively substitute for any period of LWOP due to the adverse effects of the major disaster or emergency.

9. Termination of a Major Disaster or Emergency. A leave recipient's status ends under the following conditions, whichever occurs earliest:

- A. When the Department or OPM determines that the major disaster or emergency has terminated.
- B. At the end of the biweekly pay period, the leave recipient or the recipient's personal representative notifies the Department that the leave recipient is no longer affected by the major disaster or emergency.
- C. At the end of the biweekly pay period, it is determined that the leave recipient is no longer affected by the major disaster or emergency.
 - (1) Bureaus/Offices must submit the request to notify the employee of termination due to the determination that the employee is unaffected by the major disaster or emergency through their SHRO for approval by OHC.
 - (2) Only after receipt of approval by OHC may the employee be notified of the intent to terminate them from the ELTP due to no longer being affected by the major disaster or emergency.
 - (a) The notification of intent to terminate the leave recipient from the ELTP must be submitted to the recipient and/or their personal representative in writing and must provide a ten (10) workday reply period, noting if no reply is received within the stated timeframe the leave recipient's participation in the ELTP will be terminated at the end of the biweekly pay period in which the response was due.
 - (b) If the leave recipient and/or their personal representative provides a timely reply (extensions may be granted for good cause), a written decision must be issued taking into consideration the reply and being effective no earlier than the end of the biweekly pay period in which the decision was issued.
 - (i) Bureaus/Offices should strive to decide on replies no more than five (5) workdays after receipt.

- D. At the end of the biweekly pay period, the agency is notified of OPM's approval of the leave recipient's application for disability retirement or when the leave recipient's Federal employment is terminated (e.g., resignation, retirement, or death).
- E. Extensions of an ELTP. Bureaus/Offices desiring requests for extension of an ELTP must submit their request for extension in writing through their SHROs to the OHC Workforce Relations Division, Work Life Program Manager, explaining why the extension is needed (e.g., additional time required for insurance claims/estimates to be processed and repair work to be performed, etc.) and the requested amount of time for the extension.

10. Restoration of Unused Donated Leave.

- A. Any unused annual leave donated to the ELTP must be returned to the leave donor(s);
- B. The payroll provider, in conjunction with OHC, must determine the amount of annual leave to be restored to the leave bank and each of the leave donors who, on the date leave restoration is made, are employed in the Federal service;
 - (1) The amount of unused annual leave to be returned to the leave bank or each leave donor must be proportional to the amount of annual leave donated by the employee or the leave bank to the ELTP for the disaster or emergency; and
 - (2) Any unused annual leave remaining after the distribution will be subject to forfeiture.
- C. The leave donor may choose to have the agency restore unused donated annual leave by crediting the restored annual leave to the leave donor's annual leave account in either the current leave year or on the first pay period of the following leave year.

11. Labor Management Obligations. Bureaus/Offices are reminded to fulfill their labor-management obligations, as appropriate, in implementing the requirements set forth in this PB.

12. Inquiries. Any Department employee or personal representative seeking further information concerning this policy may contact their SHRO. SHROs may contact the Department's OHC, Workforce Relations Division, concerning questions related to this policy.

Jennifer A. Ackerman
Director, Office of Human Capital
Deputy Chief Human Capital Office

Attachment(s)

Appendix A

Sample Employee ELTP Notification

Memorandum

To: Employees

From: Heads of Bureaus and Equivalent Offices
Servicing Human Resources Offices

Subject: Department of the Interior Emergency Leave Transfer Program for
Federal Employees Adversely Affected by the **[Name of the Incident]**

An emergency leave transfer program (ELTP) has recently been established to assist employees adversely affected by the destruction caused by the **[Name of Incident]**. The memorandum from the U.S. Office of Personnel Management (OPM) authorizing the ELTP can be found here at **[Insert link to the OPM memo on <https://chcoc.gov/transmittals>.]**

The ELTP allows employees to donate unused annual leave to the program for use by employees adversely affected by a disaster or emergency. An employee is considered adversely affected if the disaster or emergency has caused severe hardship to such a degree that the employee's absence from work is required. In addition, an employee may use donated leave under the ELTP to assist a family member who has been adversely affected by a disaster or emergency, provided such family member has no reasonable access to other forms of assistance.

A leave recipient must use donated leave for purposes related to the major disaster for which the leave recipient was approved and may not receive more than 240 hours of donated annual leave at any time from the ELTP. Donated annual leave may be substituted retroactively for any leave without pay (LWOP) used by the emergency leave recipient during a major disaster or emergency or may be used to liquidate an indebtedness incurred by the leave recipient for advanced annual or sick leave. Donated annual leave **may not** be retroactively substituted for accrued annual or sick leave used because of the emergency.

Employees interested in becoming leave recipients must submit a written application using the [*OPM Form 1637, Application to Become a Leave Recipient under the Emergency Leave Transfer Program*](#). Applications to become a leave recipient must be submitted to the Bureau/Office servicing Human Resources Office (SHRO) by **[Insert Deadline]**. Bureau/Office Human Resources Directors (or their designee(s)) must review and either approve or disapprove applications to become a leave recipient based on evidence determined to be administratively acceptable. The SHRO will recommend transferring the total amount of donated annual leave to each emergency leave recipient. The amount may vary according to individual needs.

Employees who wish to donate annual leave to the ELTP must complete an [*OPM Form 1638, Request to Donate Annual Leave Under the Emergency Leave Transfer Program*](#) and submit the

completed form to their SHRO. Employees may donate up to 104 hours of annual leave in a leave year to the ELTP.

The SHRO will submit the completed OPM Forms to the attention of **[insert name]**, IBC Payroll Operations Branch Chief, at **[insert phone]** or via email at **[insert email address]** for processing.

If donated leave is to be applied to advanced leave or LWOP, this must be specified on the recipient's documentation. Donated annual leave that emergency leave recipients do not use will be returned to the emergency leave donors when the emergency has ended.

Questions regarding this guidance can be directed to **[insert name of Work-Life program manager]**, **[Office]**, at **[insert phone]**, or via email at **[insert email address]**.

cc: Bureau Human Capital Officers and HR Officers/Directors

Appendix B

Coding Donated Leave in Current Time and Attendance System

The current DOI time and attendance system is Quicktime. Instructions for Quicktime leave codes for ELTP donated leave are annual leave (leave code 020) or annual leave in lieu of sick leave (leave code 025). The timekeeper will ensure time is coded correctly and enter a message on the timesheet in the Remarks section stating the number of hours of emergency leave used by the employee for that pay period.

Figure 1 below illustrates an example of the employee's leave categories under their summary on their Leave and Earning Statement (LES). Please note that the LES will only display year-to-date totals. There are categories in the LES for donated and returned donations.

LEAVE TYPE	CAT (8)	LVYR C/O	BEGIN PP BAL	ACCRD PP	YTD	USD PP	YTD	ADV	BAL AVAIL	PROJ YR END	MAX C/O	USE/ LOSE
ANN		240.00	300.45	8.00	168.00		44.30		308.45	40.00	240.00	108.45
AN DON							60.00					
AN RET							5.15					
SICK		1678.30	1758.30	4.00	84.00				1762.30			
COMP			162.00						162.00			
TRAVEL			2.00						2.00			
CREDIT		24.00	24.00						24.00			

Figure 1- Example of Employee's Leave and Earning Statement showing ELTP balances

Appendix C

Evaluating ELTP Recipient Applications

Department Bureaus/Offices should set fair and equitable criteria to review recipient applications. The following guidelines should be included in Bureau/Office implementing procedures:

- While reviewing the application, consider the applicant's supervisor's recommendation to approve or deny the application.
- If the application is denied, ensure the supervisor has provided the reason for the denial and supporting documentation.
- Determine within appropriate means that if the employee is applying to ELTP due to a family member, that family member has no reasonable access to other forms of assistance.
- As needed, the Department Bureau/Office may require the employee to document their relationship with a family member. If Department Bureaus/Offices request documentation to prove the relationship, consistent rules will follow the exact documentation requirements for all relationships. However, they have the authority to request additional information in cases of suspected leave abuse.
- Ensure that the employee applying for donated leave documents the nature and severity of the emergency on their application.

The Department Bureau/Office must notify the employee (or their personal representative who made an application on the employee's behalf) within ten calendar days (excluding Saturdays, Sundays, and federal holidays) after the date the application was received (or the date established by the Department if that date is later). If disapproved, the reason for the disapproval is stated in writing.