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HRDG 4630 - Absence and Leave - Section J - Subsection b

Last Modified:

Subchapter 4630 - Absence and Leave

Section J - Leave Transfer Programs

Subsection b - Emergency Leave Transfer Program (ELTP)

Note: All January 2006 "Updates" to this subsection are due to Departmental Notice 4070-001, Emergency Leave Transfer Program - Hurricane Katrina, dated December 13, 2005.

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Purpose of the ELTP

The Emergency Leave Transfer Program (ELTP) is used when the President declares a major disaster or emergency and a substantial number of Federal employees are severely and adversely affected. The President has the authority to declare the emergency and effect the ELTP for that emergency. Federal employees can donate unused annual leave to any employees of Executive agencies or the Judicial Branch who are adversely affected by the disaster or emergency.

Recipient Eligibility

For an employee to be eligible for the ELTP, these conditions must be met:

- The disaster or emergency has been declared eligible for the ELTP by the President, and
- The situation has caused severe hardship to the employee or to a family member of the employee to such a degree that the employee's absence from work is required.
- Any donated leave will be used to assist an employee with an affected family member, provided the family member has no reasonable access to other forms of assistance. (See the Glossary for the general definition of "[family member](#). ")

A leave recipient is not required to exhaust his/her accrued annual or sick leave before receiving donated leave under this program.

Any employee who meets the eligibility requirements may apply to become an ELTP recipient. The following table briefly describes the application process:

Step: Who:

Does What:

- | | | |
|---|------------------------------|---|
| 1 | Employee or his/her designee | <p>Submits an OPM Form 1637, Application to Become a Leave Recipient Under the Emergency Leave Transfer Program. It must:</p> <ul style="list-style-type: none"> • Identify the employee's official duty station. • Specify the number of hours requested. • Include a statement describing the need for leave from the ELTP and any available documentation supporting the declared need. • Identify who is affected by the emergency. • Specify the dates of when the emergency began and ended (or date it is expected to end). • Include the applicant's signature of the applicant (or his/her designee) and the applicant's supervisor. |
|---|------------------------------|---|

**How to Apply
As a
Recipient**

- | | | |
|---|------------|--|
| 2 | Supervisor | <ul style="list-style-type: none"> • Signs block 13 of OPM Form 1637. • Checks either the "approve" or "disapprove" block. • Submits the application to the approving office. |
|---|------------|--|

If the supervisor does not support the application, reasons and supporting documentation must be provided.

Notifies the applicant, the supervisor, and the timekeeper, in writing, of the approval or disapproval of the request. This will occur within 10 workdays after the date the Office of Human Capital Management (OHCM), USDA, approves or disapproves the application. HR will:

Applications to the ELTP will be forwarded to the immediate supervisor for concurrence and signature. The supervisor will forward the signed application to the appropriate approving office as indicated below:

Approval of Application

Agency:	Approving Office:
	HR Specialist
APHIS & AMS	USDA, APHIS, MRPBS, MBS
(all locations)	250 Marquette Ave., Suite 410
	Minneapolis, MN 55401
	FAX: 612- 336-3544

Upon declaration of a disaster or emergency, HR will:

- Advertise the institution of the ELTP,
- Specifically identify the emergency or disaster, and
- Request voluntary donations using [**OPM Form 1637**](#).

**Seeking
Leave Donors**

Programs/supervisors may assist by advertising for leave for the ELTP. They may not solicit donated leave for a particular affected employee accepted into the ELTP. Employees may not be directly or indirectly intimidated, threatened, or coerced, nor may attempts be made to intimidate, threaten, or coerce any other employee for the purpose of interfering with an employee's right to donate, receive, or use donated annual leave.

Employees wishing to donate annual leave are subject to the following criteria:

**Donor
Eligibility**

- A donor may only contribute in whole hour increments.
- A donor may not contribute more than 104 hours of annual leave in a leave year to the ELTP.
- Annual leave donated under the ELTP may **not** be applied against limitations on the donation of annual leave under the MRP Voluntary Leave Transfer Program. These are two separate programs (5 CFR 630.1106[c]).

**How to Apply
As A Donor**

Employees may donate annual leave to the ELTP by completing an [**OPM Form 1638**](#) and sending it to the office designated under "Approval of Application". Employees may not donate sick leave, compensatory time, restored annual leave, or credit hours to the ELTP.

Employees donating annual leave must indicate the name of the emergency, but may not specify a leave recipient (5 CFR 630. 1106 [a]).

**Waiver of
Donor
Limitation**

The limitation on the amount of annual leave that may be donated in a leave year may be waived under unusual conditions (i. e. , if there is insufficient donated annual leave and there is a clearly demonstrated need for the ELTP). A donor may request a waiver of the limitation by submitting a written request describing the unusual conditions to the appropriate approving office (as designated under "Approval of Application").

An employee may:

- Receive up to 240 hours of donated annual leave for each declared disaster or emergency.
- Reapply to the ELTP if additional leave is needed for a particular declared disaster or emergency by completing [OPM Form 1637](#). There is no limit to the number of times an employee may apply to receive leave for each declared disaster or emergency.

Note: For each emergency, OHCM, USDA, determines the deadline for employees to apply to the ELTP. This deadline is the closing date of the ELTP for a particular declared emergency.

Donated annual leave may only be used for purposes related to the disaster or emergency.

Using Donated Leave

Donated annual leave may be:

- Substituted retroactively for any period of leave without pay (LWOP) used because of the adverse effects of the declared disaster or emergency. Substitution may begin no earlier than the date of the disaster or emergency.
- Used to pay back an indebtedness incurred by the emergency leave recipient for advance annual or sick leave used due to the adverse effects of the disaster or emergency.

Donated annual leave may **not** be:

- Included in a lump sum payment.
- Made available for recredit upon re-employment by a Federal agency after returning to Federal service after a break in service.
- Used to establish initial eligibility for immediate retirement or to acquire eligibility to continue health benefits into retirement.
- Used for another disaster or emergency (5 CFR 630.1106[e]).

**Advancing
Leave**

For the immediate emergency, affected employees typically will be granted excused absence by MRP, USDA, or OPM. In addition, approved leave recipients may request to be advanced annual or sick leave, as appropriate (even if the employee has available accrued annual and sick leave) so that the recipient is not forced to use his or her accrued leave before donated annual leave becomes available. Donated leave would then be substituted for any advanced leave (5 CFR 630.1105[d]).

**Accruing
Leave While
in the ELTP**

While in the ELTP, annual and sick leave will continue to accrue at the same rate as if the employee were in a paid leave status. Any annual leave accrued that causes an employee to be in a use/lose annual leave category at the end of the leave year will continue to be subject to the same rules on carry over and restoration of annual leave.

At the time of application, employees must indicate an expected termination date for the emergency. Upon termination of the emergency, employees must immediately notify their appropriate approving office (designated under "Approval of Application") to terminate participation in the ELTP.

The disaster or emergency status terminates at the end of the biweekly pay period when one or more of the following occurs:

**Termination
of the
Emergency**

- When MRP, USDA or OPM determines the disaster or emergency has ended.
- When the recipient, or his/her designee, notifies the agency that s/he is no longer affected by the disaster or emergency.
- When the recipient's supervisor (in conjunction with HR) determines that the recipient is no longer affected by the disaster or emergency. A recipient must be notified, in writing, of the determination and provided an opportunity to respond orally or in writing. Oral or written responses must be provided within 30 calendar days of notification to terminate the employee's participation in the ELTP. The head of Human Resources will review the recipient's response(s) and make the final determination. This is a final decision and not subject to further administrative review.
- When the recipient's Federal service terminates.
- Upon notification by OPM that the recipient's application for disability retirement has been approved.

If there is not enough donated annual leave to meet the needs of approved recipients, HR will contact OPM for assistance. OPM will solicit and facilitate the transfer of donated annual leave from other Federal agencies to MRP. OPM determines the time frame for which donations of leave may be accepted for transfer to MRP. HR will equitably distribute donated leave to ELTP participants. Amounts may vary due to individual needs expressed in the application.

**Annual Leave
Donations
From Other
Agencies**

Any unused leave will be returned to OPM for restoration to the donating employee(s). The unused leave restored to the donor:

- Will be proportional to the amount of leave donated by the employee for each disaster or emergency.
- May be restored in the current leave year or on the first day of the following leave year.
- May not be transferred to another, different disaster or emergency.

Note: Unused leave donations received within MRP from MRP employees will be restored to the donator(s) in the same manner as described above.

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