

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
WASHINGTON, DC

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<b>FSIS DIRECTIVE</b>	4630.5	9/12/19
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**LEAVE BANK PROGRAM**

**I. PURPOSE**

This directive provides interested FSIS employees instructions for becoming members of the FSIS Leave Bank Program (LBP) and requesting to become leave recipients. The LBP can offer income protection to eligible FSIS employees who have exhausted their leave and are affected by a personal or family medical emergency. The LBP allows employees to voluntarily donate unused, accrued or restored annual leave to a leave bank for use by a leave bank member who has been approved as a leave recipient. FSIS has established the LBP concurrently with the existing Voluntary Leave Transfer Program (VLTP). See [FSIS Directive 4630.2, Leave](#), for information on the VLTP.

**II. BACKGROUND**

A. In accordance with [5 CFR 630, Subpart J, Voluntary Leave Bank Program](#), FSIS has elected to establish a LBP. The program permits full-time and part-time FSIS employees to become members for purposes of receiving donated leave to cover absences due to an approved personal or family medical emergency.

B. A medical emergency is a medical condition of either the employee or the employee's family member, (as defined in [5 CFR 630.902](#), definitions), that is likely to require the employee to be absent from duty for a prolonged period and will result in a substantial loss of income because of the employee's lack of available paid leave. The threshold for a "substantial loss of income" is an absence (or expected absence) from duty without pay for at least 24 work hours for a full-time employee (or for part-time employees, the employee must be expected to be absent for at least 30% of the average number of hours in their bi-weekly work schedule, without available, accrued leave). For an emergency affecting a family member, an employee needs to exhaust all annual leave and the amount of sick leave available under "Sick Leave to Care for a Family Member." See [FSIS Directive 4630.2, Leave](#), for information on "Sick Leave to Care for a Family Member".

C. The open enrollment period to apply to become a member of the LBP will coincide with the Federal Employees Health Benefits (FEHB) open season each year. New employees or employees returning from extended leave may enroll in the LBP within 30 calendar days of their entrance on duty or return to work date. For members who apply during the regular open enrollment period, the enrollment is for 1 full leave year, from pay period 1 through pay period 26, following the open enrollment. For new employees and employees returning to duty from an extended absence, the membership period begins the first pay period after membership approval through the last pay period of the same leave year.

D. In accordance with [5 CFR 630.1003](#), FSIS' Office of Management, Office of Human Resources, Human Resources Business Systems Division, Human Capital Planning and Accountability Branch (HCPAB) has established a Leave Bank Board and designated the Leave Bank Coordinator. The Leave Bank Board consists of three primary members and three alternate members, including a representative and alternate from the National Joint Council of Food Inspection Locals (NJC). The other two primary and

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**OPI:** OPPD

alternate members will be selected by the Administrator or designee through a nomination process. Representatives from employee groups, such as the National Association of Federal Veterinarians (NAFV), the Association of Technical and Supervisory Professionals (ATSP), or an Equal Employment Opportunity Advisory Committee (EEOAC) in FSIS, may also participate as board members. Each member and alternate will serve a term of two years.

### III. LBP MEMBERSHIP REQUIREMENTS

A. Employees who wish to become LBP members are to complete [FSIS Form 4630-6](#), *FSIS Leave Bank Program – Donor Application* (level 2 e-authentication is needed to access this form) and submit it to the Leave Bank Coordinator at [LeaveBankProgram@usda.gov](mailto:LeaveBankProgram@usda.gov) or by Fax to: 202-720-5124, during the annual open enrollment period. To become a member of the leave bank an employee must contribute a minimum of four (4), six (6) or eight (8) hours of annual leave, based on their annual leave accrual category.

B. An employee does not have to experience a personal or family medical emergency to be a member; however, an employee needs to be a member to receive donated leave under the LBP.

C. Employees wishing to renew their membership must reapply and contribute the minimum leave amount each year during the open enrollment period.

**NOTE:** Employees who do not have sufficient leave to cover the minimum leave contribution required to become a member may request a waiver from the LBP Board. The LBP Board can increase the minimum contribution for membership or hold a second open enrollment period, if it is determined that there is not sufficient leave in the bank. The LBP Board cannot reduce the minimum contributions below the levels listed above.

### IV. LBP DONATION REQUIREMENTS

A. Employees, except those with intermittent work schedules, whether members or non-members may donate accrued, restored or excess annual leave at any time during the leave year. Block 12 of [FSIS Form 4630-6](#) provides for membership leave contributions and gift (donated leave that is non-refundable) contributions of leave of non-members. Leave donors may designate a specific leave bank member to receive their donated leave, as long as they are not donating to their immediate supervisor. Unused leave in the leave bank carries over to the next leave year. “Use or lose” donations are to be donated no later than the last day of the leave year.

B. In any leave year, a leave donor may not donate more than a total of one-half of the amount of annual leave he or she would be entitled to accrue during the leave year in which the donation is made:

1. Full-time employee maximum:
  - a. 52 hours if in the 4-hour leave category;
  - b. 80 hours if in the 6-hour leave category; or
  - c. 104 hours if in the 8-hour leave category.

**EXAMPLE:** Sarah is a full-time employee in the 8-hour annual leave earning category, which means that the maximum amount of leave she may donate is 104 hours. Sarah is not projected to have any use or lose leave at the end of the leave year. At the end of pay period 25, Sarah wants to donate 100 hours of annual leave. Sarah can donate the full 100 hours, regardless of the number of work days remaining in

the leave year, because she is not projected to have use or lose leave (which is explained in the next example below).

2. Part-time employee maximum, use the following formula:

$$13 \times \frac{\text{Duty Hours in Pay Period}}{80} \times \text{Leave Earning Category}$$

Example Part Time Limitation:

$$13 \times 64 \text{ hours} \times 8\text{-hour category} = 6656/80 = 83.2 \text{ rounded to } 83 \text{ hours}$$

C. In the case of a leave donor who is projected to have use or lose annual leave at the end of the year, the maximum amount of annual leave that may be donated during the leave year shall be the lesser of:

1. One-half of the amount of annual leave he or she would be entitled to accrue during the leave year in which the donation is made; or
2. The number of hours remaining in the leave year (as of the date of the donation) for which the leave donor is scheduled to work and receive pay.

**EXAMPLE:** Joe is a full-time employee in the 8-hour annual leave earning category which means that the maximum amount of annual leave he may donate is 104 hours. Joe is projected to have 60 hours of use or lose leave, so the LBP would have to cap Joe's donation at whichever is less, 104 hours or the number of leave hours remaining in the leave year, during which Joe is expected to work and receive pay. It is the end of pay period 25, and Joe wants to donate 40 hours of annual leave. Although most pay periods have 10 work days, there are two holidays (8 hours each) in pay period 26, which means that there are only 64 work hours. If Joe did not have any leave scheduled for pay period 26, he could donate up to 64 hours of annual leave. However, Joe has 24 hours of leave scheduled, so that means he is only expected to "work" and receive pay for 40 hours. So, Joe can donate no more than 40 hours of annual leave (5 CFR 630.908).

## V. INSTRUCTIONS FOR LEAVE RECIPIENT APPLICANT

A. A request to become a leave recipient is not a request to be absent on leave. The leave bank serves as a vehicle through which an employee, who is in an approved leave status for medical emergency reasons, can receive leave donations from the bank. The applicant is to obtain approval for the time off from work for the medical emergency, according to standard procedures for an absence of the type and duration involved. To be eligible for assistance via the leave bank, a member has to have a personal or family medical emergency that results in a serious financial hardship for the employee because accrued paid leave is not available at the time of application to the leave bank or within 60 calendar days after the end of the medical emergency.

B. To request leave from the LBP, a member needs to complete [FSIS Form 4630-5](#), *FSIS Leave Bank Program – Recipient Application* (level 2 e-authentication is needed to access this form) and submit it to his or her supervisor.

C. The supervisor is to:

1. Review the employee's recipient application and concur or not concur that:

- a. The employee has been affected by a personal or family medical emergency;
  - b. The employee is expected to be absent from duty without pay for at least 24 hours or use 24 hours of advanced leave due to the medical emergency; and
  - c. The employee is not receiving unemployment benefits or workers' compensation benefits in connection with the medical emergency;
2. Approve time-off for the employee's medical emergency; and
  3. Sign the FSIS Form 4630-5.

**NOTE:** If a supervisor non-concurs, he or she needs to provide the reasons for the non-concurrence. A supervisor cannot prevent an employee from applying to receive transferred annual leave. If a supervisor does not concur with the employee's application for the LBP, the employee can still submit the form to the LBP Board with supervisory comments for consideration. Only the LBP Board has the authority to disapprove leave bank applications.

D. After the member receives the form back from his or her supervisor, he or she is to submit the completed form along with the supporting medical documentation to the Leave Bank Coordinator at [LeaveBankProgram@usda.gov](mailto:LeaveBankProgram@usda.gov) or fax to: 202-720-5124. The following supporting medical documentation is required:

1. A brief description of the medical emergency and its severity;
2. The anticipated duration of the medical emergency;
3. The approximate frequency of the medical emergency, if reoccurring;
4. Documentation from the medical practitioner of the reason for the leave, that the leave is necessary, and the duration or frequency of the leave. The documentation from the physician is to include the name and address of the practice and requires the doctor's signature. For long-term and extended absences, medical documentation needs to be updated every 120 days until the medical emergency concludes;
5. A medical information release form; [FSIS Form 4630-8](#), *Authorization to Release Medical Information (level 2 e-authentication is needed to access this form)*; and
6. If the leave is for care of a family member, the LBP Board may request proof of family relationship.

E. A member who is approved by the LBP Board to receive leave from the leave bank is to:

1. Use the donated leave only for hours of approved absence related to the medical emergency;
2. Use all available paid leave (but not leave accruing in the set-aside accounts (see paragraph F of this section below), before using donated leave;
3. Provide the Board updated medical documentation on the status of the medical emergency every 120 days; and

4. Notify the Board when there is a change to the medical emergency or the medical emergency has ended.

F. While using leave from the leave bank, a recipient may accrue no more than 40 hours each of annual leave and sick leave in “set-aside accounts.” The leave in the set-aside accounts will be transferred to the employee’s regular leave accounts when the medical emergency ends or when the employee exhausts all donated leave prior to the end of the medical emergency. Leave in set-aside accounts is not available for use by the employee until transferred to the employee’s regular leave accounts.

G. A leave bank recipient who returns to work part-time and uses donated leave part-time accrues leave in his or her regular annual and sick leave accounts for the time spent in a work status and in his or her set-aside annual and sick leave accounts for time spent in a shared leave status (when using donated leave).

## **VI. USE OF ANNUAL LEAVE WITHDRAWN FROM THE LEAVE BANK**

A. Leave donations may be applied retroactively to substitute for a period of leave without pay (LWOP) or to liquidate advance annual or sick leave associated with the medical emergency.

B. Leave transferred from the leave bank to a leave recipient may not be:

1. Included in a lump-sum payment; or
2. Made available for re-credit upon re-employment by a Federal agency.

C. Leave recipients are to request and receive approval from their supervisor through WebTA for each day he or she intends to be absent from work. If the employee is unable to enter the leave request into WebTA, the employee’s timekeeper is to enter the leave request based on the period approved by the Board.

D. Absent without Leave (AWOL) should be charged when an employee is absent without permission or has not notified and received approval for leave from their supervisor. The supervisor may later determine that AWOL charged may be changed to another type of leave if the employee’s supervisor approves the leave. Additional information regarding leave and excused absence is available in [FSIS Directive 4630.2](#).

## **VII. LBP COORDINATOR AND LBP BOARD RESPONSIBILITIES**

A. The LBP Coordinator and Board are to review the applications to determine if the employee qualifies to become a recipient and how much leave will be transferred to the employee for use during the medical emergency. The Board will provide written notification to the applicant within 10 workdays of receiving the completed application. This notification will include the amount of leave to be distributed to the employee and when it will be effective. If the LBP Board denies the request, it will provide the reason for disapproval and notify employees of their right to appeal the decision and instructions. Employees who are denied as leave recipients can appeal directly to the LBP Board following the instructions provided in the denial letter. The LBP Board may request a 3<sup>rd</sup> party review by Federal Occupational Health (FOH) on a case by case basis.

**NOTE:** Denials due to insufficient annual leave in the bank cannot be appealed.

B. The LBP Coordinator:

1. Manages the overall program;
2. Signs and agrees to adhere to the provisions of a non-disclosure and confidentiality agreement regarding applicant medical documentation;
3. Reviews member applications to ensure they are complete and comply with program requirements, and verifies leave balances;
4. Returns incomplete forms to the applicant with an explanation and instructions to complete the forms appropriately and return them to the LBP Coordinator;
5. Forwards complete recipient applications to the LBP Board for review and approval or disapproval;

**NOTE:** The LBP Coordinator will redact all personal information to ensure employee privacy.

6. Maintains records documenting the various stages of the leave bank application process in a secure database (e.g., date received; date sent to the Board; date approved; number of hours requested; number of hours approved; date medical emergency is expected to end; date medical emergency is extended, if necessary; date emergency ends);
7. Monitors the status of the medical emergency of recipient or recipient's qualifying family member;
8. Tracks members' and recipients' participation;
9. Coordinates with the Financial Services Center (FSC) the processing of leave donations and contributions from members and non-members of the leave bank;
10. Coordinates the processing of leave adjustments in the payroll and personnel systems and WebTA;
11. Announces and publicizes enrollment periods;
12. Promotes awareness of the program. This may include distribution of flyers; mass e-mail notifications; internal news articles; and coordinating information for town hall, all-hands and work unit meetings;
13. Collaborates with the LBP Board to identify and implement changes and updates to the leave bank program based on lessons learned each year; and
14. Provides advice and guidance to the Board, employees, supervisors, and managers as needed.

C. The LBP Board manages the leave bank, approves or disapproves leave recipient applications, and determines the number of hours of donated annual leave an employee may receive. In addition, the LBP Board:

1. Establishes internal decision-making procedures;
2. Signs and agrees to adhere to the provisions of non-disclosure and confidentiality agreements;
3. Monitors amount of leave in the leave bank;

4. Monitors number of applicants who become recipients; and
5. Maintains an adequate amount of leave in the leave bank to the greatest extent possible.

## VIII. TERMINATION OF THE MEDICAL EMERGENCY, MEMBERSHIP OR RECIPIENT STATUS

A. As stated in [5 CFR 630, Subpart J](#), an employee's medical emergency terminates when one or more of the following occurs:

1. At the end of the biweekly pay period in which the leave recipient provides written notice that the medical emergency is over;
2. At the end of the biweekly pay period in which the LBP Board determines, after written notice to the leave recipient and opportunity for response, that the medical emergency is over, based on the original recipient application;
3. At the end of the biweekly pay period in which the Agency receives notice that the leave recipient has been approved for disability retirement;

**NOTE:** An employee awaiting a determination on a disability retirement application needs to consult with their servicing Benefits Specialist before substituting transferred leave for a retroactive period of leave without pay (LWOP) since the last date in a pay status determines the commencement date of disability retirement if the employee meets the service requirements as of that date.

4. On the date the recipient begins to receive unemployment benefits or workers' compensation, including Continuation of Pay (COP), for the medical emergency; or
5. On the date the leave recipient leaves the Agency.

B. The Board may terminate a member's recipient status or membership in the leave bank for:

1. Fraud (e.g., falsifying medical documentation);
2. Failure to provide additional medical documentation as requested;
3. Falsifying time and attendance records; or
4. Using donated leave for absences not related to the medical emergency.

**NOTE:** Falsifying or altering any Government or medical documents can lead to other disciplinary action, including suspension from work or termination of employment.

## IX. QUESTIONS

Refer questions regarding this directive to [LeaveBankProgram@usda.gov](mailto:LeaveBankProgram@usda.gov).



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