Public Law 103-103
103d Congress

An Act

Oct. 8, 1993
[S. 1130]

To provide for continuing authorization of Federal employee leave transfer and leave bank programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Employees Leave Sharing Amendments Act of 1993.
5 USC 6301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Leave Sharing Amendments Act of 1993".

SEC. 2. REPEAL OF TERMINATION PROVISION.

Section 2(d) of the Federal Employees Leave Sharing Act of 1988 (5 U.S.C. 6331 note) is repealed, effective as of October 30, 1993.

SEC. 3. ADVANCED LEAVE NOT TO BE CONSIDERED IN DETERMINING WHETHER ANY PAID LEAVE IS AVAILABLE.

(a) IN GENERAL.—Sections 6331(4) and 6361(6) of title 5, United States Code, are each amended by striking "leave." and inserting "leave (disregarding any advanced leave).".

(b) TECHNICAL CORRECTION.—Section 6331(4) of title 5, United States Code, is amended by inserting "the term" after "(4)".

SEC. 4. ACCRUAL OF LEAVE.

Section 6337(c) of title 5, United States Code, is amended to read as follows:

"(c)(1) Any annual or sick leave accrued by an employee under this section shall be transferred to the appropriate leave account of such employee under subchapter I, and shall be available for use—

"(A) as of the beginning of the first applicable pay period beginning after the date on which the employee's medical emergency terminates as described in paragraph (1) or (2) of section 6335(a); or

"(B) if the employee's medical emergency has not yet terminated, once the employee has exhausted all transferred leave made available to such employee under this subchapter.

"(2) In the event that the employee's medical emergency terminates as described in section 6335(a)(3)—

"(A) any leave accrued but not yet transferred under this section shall not be credited to such employee; or

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"(B) if there remains, as of the date the emergency so terminates, any leave which became available to such employee under paragraph (1)(B), such leave shall cease to be available for any purpose.

"(d) Nothing in this section shall be considered to prevent, with respect to a continuing medical emergency, further transfers of leave for use after leave accrued under this section has been exhausted by the employee.".

SEC. 5. EMPLOYEE PARTICIPATION IN LEAVE BANK AND LEAVE TRANSFER PROGRAMS.

(a) AUTHORITY TO PARTICIPATE IN BOTH PROGRAMS.—

(1) IN GENERAL.—Section 6373 of title 5, United States Code, is amended to read as follows:

"§ 6373. Authority to participate in both programs

"(a) The Office of Personnel Management shall prescribe regulations under which an employee participating in a leave bank program under this subchapter may, subject to such terms or conditions as the Office may establish, also make or receive donations of leave under subchapter III. Regulations.

"(b) Notwithstanding any provision of section 6337 or 6371, if an employee uses leave transferred to such employee under subchapter III and leave made available to such employee under this subchapter in connection with the same medical emergency, the maximum number of days of annual leave and sick leave, respectively, which may accrue to such employee in connection with such medical emergency shall be the same as if all of that leave had been made available to such employee under this subchapter.".

(2) TECHNICAL AMENDMENT.—The table of sections for chapter 63 of title 5, United States Code, is amended by striking the item relating to section 6373 and inserting the following:

"6373. Authority to participate in both programs.".

(b) ELIMINATION OF PROVISION TREATING LEAVE BANK PROGRAM AS A DEMONSTRATION PROJECT.—Section 6362 of title 5, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a) by striking "(a)".

5 USC 6331 note. **SEC. 6. EFFECTIVE DATE.**

Except as provided in section 2, this Act and the amendments made by this Act shall take effect as of the 120th day after the date of the enactment of this Act or such earlier date as the Office of Personnel Management may by regulation prescribe.

Approved October 8, 1993.

LEGISLATIVE HISTORY—S. 1130:

HOUSE REPORTS: No. 103-246 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 139 (1993):
July 14, considered and passed Senate.
Sept. 21, considered and passed House, amended.
Sept. 23, Senate concurred in House amendment.