

HISTORICAL AND REVISION NOTES

| <i>Derivation</i> | <i>U.S. Code</i> | <i>Revised Statutes and Statutes at Large</i> |
|-------------------|------------------|---------------------------------------------------------------------------------------------------------|
| | 5 U.S.C. 2063. | Oct. 30, 1951, ch. 631, §204, 65 Stat. 681. Aug. 21, 1964, Pub. L. 88-471, §6(b), (c), 78 Stat. 583. |

The word “officer”, referring to an officer of the Firefighting Division, is omitted as covered by the words “a member of the Firefighting Division”.

In subsection (c), the words “with pay” are added for clarity.

Standard changes are made to conform with the definitions applicable and style of this title as outlined in the preface to the report.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (d)(4)(A), is the date of enactment of Pub. L. 103-388, which was approved Oct. 22, 1994.

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-329, §629(b)(1)(B), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 103-388 added subsec. (d) relating to use of sick leave for purposes relating to family member.

Pub. L. 103-329, §629(b)(1)(A), (C), redesignated subsec. (c) as (d) and inserted “or for purposes relating to the adoption of a child,” after “ailment,”.

Statutory Notes and Related Subsidiaries

REGULATIONS

Pub. L. 103-329, title VI, §629(b)(3), Sept. 30, 1994, 108 Stat. 2423, provided that:

“(3)(A) The Office of Personnel Management shall prescribe regulations under which any employee who used or uses annual leave for an adoption-related purpose, after September 30, 1991, and before the date as of which sick leave first becomes available for such purpose as a result of the enactment of this subsection may, upon appropriate written application, elect to have such employee’s leave accounts adjusted to reflect the amount of annual leave and sick leave, respectively, which would remain had sick leave been used instead of all or any portion of the annual leave actually used, as designated by the employee.

“(B) An application under this paragraph may not be approved unless it is submitted—

“(i) within 1 year after the date of the enactment of this Act [September 30, 1994] or such later date as the Office may prescribe;

“(ii) in such form and manner as the Office shall require; and

“(iii) by an individual who is an employee as of the time of application.

“(C) For the purpose of this paragraph, the term ‘employee’ has the meaning given such term by section 6301(2) of title 5, United States Code.”

ADOPTIONS DURING FISCAL YEAR 1991

Pub. L. 101-509, title V, §536, Nov. 5, 1990, 104 Stat. 1470, for fiscal year 1991, authorized sick leave provided by section 6307 of this title to be approved for purposes related to the adoption of a child.

§ 6308. Transfers between positions under different leave systems

(a) The annual and sick leave to the credit of an employee who transfers between positions under different leave systems without a break in service shall be transferred to his credit in the

employing agency on an adjusted basis under regulations prescribed by the Office of Personnel Management, unless the individual is excepted from this subchapter by section 6301(2)(ii), (iii), (vi), or (vii) of this title. However, when a former member receiving a retirement annuity under sections 521-535 of title 4, District of Columbia Code, is reemployed in a position to which this subchapter applies, his sick leave balance may not be recredited to his account on the later reemployment.

(b) The annual leave, sick leave, and home leave to the credit of a nonappropriated fund employee of the Department of Defense or the Coast Guard described in section 2105(c) who moves without a break in service of more than 3 days to a position in the Department of Defense or the Coast Guard, respectively, that is subject to this subchapter shall be transferred to the employee’s credit. The annual leave, sick leave, and home leave to the credit of an employee of the Department of Defense or the Coast Guard who is subject to this subchapter and who moves without a break in service of more than 3 days to a position under a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard, respectively, described in section 2105(c), shall be transferred to the employee’s credit under the nonappropriated fund instrumentality. The Secretary of Defense or the Secretary of Homeland Security, as appropriate, may provide for a transfer of funds in an amount equal to the value of the transferred annual leave to compensate the gaining entity for the cost of a transfer of annual leave under this subsection.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 521; Pub. L. 95-454, title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 101-508, title VII, §7202(h), Nov. 5, 1990, 104 Stat. 1388-336; Pub. L. 109-241, title IX, §902(a)(3), July 11, 2006, 120 Stat. 566.)

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| | 5 U.S.C. 2064(e). | July 2, 1953, ch. 178, §4(b), 67 Stat. 138. Aug. 18, 1959, Pub. L. 86-168, §202(e), 73 Stat. 389. Aug. 21, 1964, Pub. L. 88-471, §6(d), 78 Stat. 583. |

In the last sentence, the word “officer” is omitted as covered by the word “member”, and the words “sections 521-535 of title 4, District of Columbia Code” are substituted for “the Policemen and Firemen’s Retirement and Disability Act, as amended”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Editorial Notes

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-241 substituted “Secretary of Homeland Security” for “Secretary of Transportation”.

1990—Pub. L. 101-508 designated existing provisions as subsec. (a) and added subsec. (b).

1978—Pub. L. 95-454 substituted “Office of Personnel Management” for “Civil Service Commission”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 1990 AMENDMENT**

Amendment by Pub. L. 101-508 applicable with respect to any individual who, on or after Jan. 1, 1987, moves from employment in nonappropriated fund instrumentality of Department of Defense or Coast Guard, that is described in section 2105(c) of this title, to employment in Department or Coast Guard, that is not described in section 2105(c), or who moves from employment in Department or Coast Guard, that is not described in section 2105(c), to employment in nonappropriated fund instrumentality of Department or Coast Guard, that is described in section 2105(c), see section 7202(m)(1) of Pub. L. 101-508, set out as a note under section 2105 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

ELECTION OF LEAVE OR LUMP-SUM PAYMENT FOR CERTAIN EMPLOYEES

Pub. L. 102-484, div. A, title X, §1077, Oct. 23, 1992, 106 Stat. 2512, authorized an employee referred to in section 6308(b) of this title, who made an employment move described in such subsection after Dec. 31, 1986, and before Apr. 16, 1991, to elect to repay the lump-sum payment received based on such employment move in lieu of annual leave and have the annual leave recredited to the employee's leave account, or to keep the lump-sum payment in lieu of that annual leave.

[§ 6309. Repealed. Pub. L. 94-183, § 2(26), Dec. 31, 1975, 89 Stat. 1058]

Section, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 521, related to authorized leave of absence of a rural postal carrier which occurred at beginning, during, or at end of a period of annual or sick leave.

§ 6310. Leave of absence; aliens

The head of the agency concerned may grant leave of absence with pay, not in excess of the amount of annual and sick leave allowable to citizen employees under this subchapter, to alien employees who occupy positions outside the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 521.)

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| | 5 U.S.C. 2062(g). | Oct. 30, 1951, ch. 631, §203 (g), 65 Stat. 681. Sept. 6, 1960, Pub. L. 86-707, § 402(b), 74 Stat. 800. |

The words "head of the agency concerned" are substituted for "head of the department or agency concerned".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 6311. Regulations

The Office of Personnel Management may prescribe regulations necessary for the administration of this subchapter.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 521; Pub. L. 95-454, title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1224.)

HISTORICAL AND REVISION NOTES

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| | 5 U.S.C. 2065. | Oct. 30, 1951, ch. 631, §206, 65 Stat. 681. |

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Editorial Notes**AMENDMENTS**

1978—Pub. L. 95-454 substituted "Office of Personnel Management" for "Civil Service Commission".

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 1978 AMENDMENT**

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

§ 6312. Accrual and accumulation for former ASCS county office and nonappropriated fund employees

(a) Credit shall be given in determining years of service for the purpose of section 6303(a) for—

(1) service as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Allotment Act or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act; and

(2) service under a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c) by an employee who has moved without a break in service of more than 3 days to a position subject to this subchapter in the Department of Defense or the Coast Guard, respectively.

(b) The provisions of subsections (a) and (b) of section 6308 for transfer of leave between leave systems shall apply to the leave systems established for such county office employees and employees of such Department of Defense and Coast Guard nonappropriated fund instrumentalities, respectively.

(Added Pub. L. 90-367, §2(a), June 29, 1968, 82 Stat. 277; amended Pub. L. 90-623, §1(25), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 99-251, title III, §306(c), Feb. 27, 1986, 100 Stat. 27; Pub. L. 101-508, title VII, §7202(i)(1), Nov. 5, 1990, 104 Stat. 1388-337.)

Editorial Notes**REFERENCES IN TEXT**

Section 8(b) of the Soil Conservation and Allotment Act, referred to in subsec. (a)(1), probably means section 8(b) of the Soil Conservation and Domestic Allotment Act, which is classified to section 590h(b) of Title 16, Conservation.