

## HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 61b (3d-5th sentences).	Dec. 21, 1944, ch. 632, §1 (1st proviso and so much of last sentence as precedes 2d proviso), 58 Stat. 845. July 2, 1953, ch. 178, §4(a) (2d-4th sentences), 67 Stat. 137. Aug. 18, 1959, Pub. L. 86-168, §202(e), 73 Stat. 389.

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—Subsec. (b). Pub. L. 95-519 substituted “6301(2)(x)-(xiii)” for “6301(2)(x)-(xii)”.

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

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 1978 AMENDMENTS

Amendment by Pub. L. 95-519 effective beginning on first day of first applicable pay period beginning on or after Oct. 25, 1978, see section 4(a) of Pub. L. 95-519, set out as a note under section 5551 of this title.

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.

**§ 6307. Sick leave; accrual and accumulation**

(a) An employee is entitled to sick leave with pay which accrues on the basis of one-half day for each full biweekly pay period, except that sick leave with pay accrues to a member of the Firefighting Division of the Fire Department of the District of Columbia on the basis of two-fifths of a day for each full biweekly pay period.

(b) Sick leave provided by this section, which is not used by an employee, accumulates for use in succeeding years.

(c) Sick leave provided by this section may be used for purposes relating to the adoption of a child.

(d) When required by the exigencies of the situation, a maximum of 30 days sick leave with pay may be advanced for serious disability or ailment, or for purposes relating to the adoption of a child, except that a maximum of 24 days sick leave with pay may be advanced to a member of the Firefighting Division of the Fire Department of the District of Columbia.

(d)(1)<sup>1</sup> For the purpose of this subsection, the term “family member” shall have such meaning as the Office of Personnel Management shall by regulation prescribe, except that such term shall include any individual who meets the definition given that term, for purposes of the leave transfer program under subchapter III, under regulations prescribed by the Office (as in effect on January 1, 1993).

(2) Subject to paragraph (3) and in addition to any other allowable purpose, sick leave may be used by an employee—

(A) to give care or otherwise attend to a family member having an illness, injury, or

other condition which, if an employee had such condition, would justify the use of sick leave by such an employee; or

(B) for purposes relating to the death of a family member, including to make arrangements for or attend the funeral of such family member.

(3)(A) Sick leave may be used by an employee for the purposes provided under paragraph (2) only to the extent the amount used for such purposes does not exceed—

(i) 40 hours in any year, plus

(ii) up to an additional 64 hours in any year, but only to the extent the use of such additional hours does not cause the amount of sick leave to the employee’s credit to fall below 80 hours.

(B) In the case of a part-time employee or an employee on an uncommon tour of duty, the Office of Personnel Management shall establish limitations that are proportional to those prescribed under subparagraph (A).

(4)(A) This subsection shall be effective during the 3-year period that begins upon the expiration of the 2-month period that begins on the date of the enactment of this subsection.

(B) Not later than 6 months before the date on which this subsection is scheduled to cease to be effective, the Office shall submit a report to Congress in which it shall evaluate the operation of this subsection and make recommendations as to whether or not this subsection should be continued beyond such date.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 520; Pub. L. 103-329, title VI, §629(b)(1), Sept. 30, 1994, 108 Stat. 2423; Pub. L. 103-388, §2, Oct. 22, 1994, 108 Stat. 4079.)

## 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,”.

<sup>1</sup> So in original. Probably should be “(e)(1)”.

**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.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	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 sec-