(Added Pub. L. 100–566, § 2(a), Oct. 31, 1988, 102 Stat. 2839; amended Pub. L. 103–103, § 5(b), Oct. 8, 1993, 107 Stat. 1023.)

Editorial Notes

AMENDMENTS

1993—Pub. L. 103–103 struck out subsec. (a) designation and struck out subsec. (b) which read as follows: ''To test voluntary leave bank programs under the provisions of this subchapter, the Office of Personnel Management shall establish a demonstration project in at least 3 Executive agencies, of which—

''(1) one such agency shall include approximately, but not less than, the equivalent of 100,000 full-time positions;

''(2) one such agency shall include approximately, but not less than, the equivalent of 25,000 full-time positions; and

''(3) one such agency shall include approximately, but not less than, the equivalent of 1,000 full-time positions.''

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–103 effective as of the 120th day after Oct. 8, 1993, or such earlier date as the Office of Personnel Management may by regulation prescribe, see section 6 of Pub. L. 103–103, set out as a note under section 6331 of this title.

§ 6363. Establishment of leave banks

Each agency that establishes a leave bank program under section 6362 shall establish 1 or more leave banks in accordance with regulations prescribed by the Office of Personnel Management.

(Added Pub. L. 100–566, § 2(a), Oct. 31, 1988, 102 Stat. 2839.)

§ 6364. Establishment of Leave Bank Boards

(a)(1) Each agency that establishes a leave bank shall establish a Leave Bank Board consisting of 3 members, at least one of whom shall represent a labor organization or employee group, to administer the leave bank under the provisions of this subchapter, in consultation with the Office of Personnel Management.

(2) An agency may establish more than 1 Leave Bank Board based upon the administrative units within the agency. No more than 1 board may be established for each leave bank.

(b) Each such Board shall—

(1) review and approve applications to the leave bank under section 6367;

(2) monitor each case of a leave recipient;

(3) monitor the amount of leave in the leave bank and the number of applications for use of leave from the bank; and

(4) maintain an adequate amount of leave in the leave bank to the greatest extent practicable.

(Added Pub. L. 100–566, § 2(a), Oct. 31, 1988, 102 Stat. 2839.)

§ 6365. Contributions of annual leave

(a)(1) An employee may, by written application to the Leave Bank Board, request that a specified number of hours be transferred from the annual leave account of such employee to the leave bank established by such agency.

(2) An employee may state a concern and desire to aid a specified proposed leave recipient or a leave recipient in the application filed under paragraph (1).

(b)(1) Upon approving an application under subsection (a), the employing agency of the leave contributor may transfer all or any part of the number of hours requested for transfer, except that the number of hours so transferred may not exceed the limitations under paragraph (2).

(2)(A) In any one leave year, a leave contributor may contribute no more than a total of one-half of the amount of annual leave such contributor would be entitled to accrue during the leave year in which the contribution is made.

(B) A leave contributor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year under section 6304(a) may contribute no more than the number of hours remaining in the leave year (as of the date of the contribution) for which the leave contributor is scheduled to work and receive pay.

(c) The Leave Bank Board of a leave contributor may waive the limitations under subsection (b)(2). Any such waiver shall be in writing.

(d) The Office of Personnel Management shall prescribe regulations establishing an open enrollment period during which an employee may contribute leave under subsection (a) for a leave year.

(Added Pub. L. 100–566, § 2(a), Oct. 31, 1988, 102 Stat. 2840.)

§ 6366. Eligibility for leave recipients

(a) An employee is eligible to be a leave recipient if such employee—

(1) experiences a medical emergency and submits an application pursuant to section 6367(a); and

(2)(A) contributes the minimum number of hours as required under subsection (b) of accrued or accumulated annual leave to the leave bank of the employing agency of such employee, in the leave year (beginning in and including any part of a leave year in which such leave bank is established) that such employee submits an application to be a leave recipient under section 6367(a); and

(B) such contribution is made before such employee submits an application under section 6367(a).

(b)(1) An employee shall contribute the minimum number of hours required under subsection (a)(2)(A), if such employee is an employee—

(A) for less than 3 years of service and contributes a minimum of 4 hours;

(B) for between 3 years and less than 15 years of service and contributes a minimum of 6 hours; or

(C) for 15 years or more of service and contributes a minimum of 8 hours.

(2) Notwithstanding the provisions of paragraph (1), the Leave Bank Board of an agency, after consultation with the Office of Personnel Management, may—