

## Guidance on Administering Multiple ELTPs

### Soliciting and administering donations of annual leave

- **An agency may choose to allow a leave donor to allocate leave donations to multiple ELTPs on one form, as long as the donor clearly states his or her intent and the donations are tracked by separate ELTPs.** The ELTP regulations at 5 CFR 630.1109 provide that an employee submit a written request to his or her agency to transfer a specified number of hours of annual leave to an ELTP associated with a specific emergency. Therefore, agencies will need to track leave donations by separate ELTP. Employees use form [OPM 1638](#), Request to Donate Annual Leave Under the Emergency Leave Transfer Program, to donate annual leave to an ELTP, indicating in block 7 the number of hours they wish to donate and in block 8 the name of the disaster or emergency to which they wish the leave donations to be allocated. While an employee would normally designate a single, specific ELTP to receive the hours of donated annual leave, when there are multiple ELTPs established at the same time, an employee may authorize the donation of a specified number of hours to one or more ELTPs, or allow the agency to choose the actual allocation of hours based on its analysis of the relative needs of the ELTPs established at that agency. In this case, the employee must identify each emergency connected to an established ELTP in box 8 of form OPM 1638. Also, in box 8, the employee must expressly delegate to the agency authority to allocate hours among the designated ELTPs on the employee's behalf, as needed based on the agency's analysis of relative needs.

**Example 1:** A leave donor who works at an agency with employees affected by Hurricanes Harvey, Irma, and Maria could donate 30 hours of annual leave and designate that the 30 hours be allocated to all three ELTPs, as follows—10 hours for Harvey, 5 hours for Irma, and 15 hours for Maria.

**Example 2:** A leave donor who works at an agency with employees affected by Hurricanes Harvey, Irma, and Maria could donate 30 hours of annual leave and designate that the 30 hours be allocated by the agency as needed between the ELTPs for Harvey, Irma, and Maria.

**Note:** If some employees have designated that the leave be used “as needed” among multiple designated ELTPs, the agency may wish to first distribute all leave that employees designated to any individual ELTP so it has the time to determine the exact needs for each specific ELTP before distributing the leave designated to be used as needed. For example, an agency with employees affected by Hurricanes Harvey and Maria may wish to first allocate all leave that was donated specifically to Hurricane Harvey, and all leave that was donated specifically to Hurricane Maria. Then the agency can determine what the remaining level of need is for emergency leave recipients for Hurricanes Harvey and Maria in order to best allocate the leave designated by donors to be used “as needed.”

- **Employees may redesignate their donations.** If annual leave has already been taken from donors' annual leave accounts and given to emergency leave recipients, then employees'

leave allocations cannot be amended. If, however, the leave has not yet been taken from donors' annual leave accounts, the agency can inform donors that they have the option of changing the allocation of donated leave to targeted ELTP(s). The form that the redesignation takes (e.g., a revision of the original OPM 1638, or an email indicating intent which the agency appends to the original form) is at the discretion of the agency.

**Example:** A leave donor who works at an agency with employees affected by Hurricanes Harvey and Maria and the wildfires in California and who designated a donation of 45 hours to Hurricane Harvey may change that allocation to 15 hours each to Hurricanes Harvey and Maria and the wildfires in California, or 15 hours to Hurricane Harvey, 20 hours to Hurricane Maria, and 10 hours to the wildfires in California—as long as the leave donation has not already been processed.

- **Restoring unused annual leave to leave donors.** The regulations at 5 CFR 630.1117 require that when a specific disaster or emergency is terminated, any unused, donated annual leave must be returned by the agency to the emergency leave donors (and/or to any leave bank that donated annual leave). When unused, donated leave is restored to a leave donor, the donor may choose to have the agency restore the leave to the donor's annual leave account in either the current leave year or in the first pay period of the following leave year. This is especially important if the ELTP is terminated near the end of a leave year, since a donor who has "use or lose" annual leave may not have sufficient time to use the restored leave, thus resulting in it being forfeited. The leave donor may also choose to donate the restored annual leave to another ELTP, as described below.
- **Donation of unused annual leave by donor to another ELTP.** Although the regulations at 5 CFR 630.1117(c) state that annual leave donated to an ELTP for a specific disaster or emergency may not be transferred to another ELTP established for a different disaster or emergency, this is not a prohibition on leave donors donating unused annual leave that is restored to them to another currently operational ELTP. Instead, the intent is to prohibit agencies from retaining unused leave donations in an undesignated ELTP account for use should another major disaster or emergency occur in the future. The restriction was set in place to protect the interests of the leave donors, who donated leave to a specific emergency or disaster. (See discussion in the final ELTP regulations, 64 FR 72252, December 27, 1999, under the heading "Restoration of Unused Donated Leave.") Therefore, at the election of the emergency leave donor, any annual leave that would be returned to a leave donor may be donated by the donor to another existing ELTP.
- **Solicitation of new donations—various options.** Agencies could also provide instructions to new leave donors that they may allocate their donations as explained above. They could do this in new memos of solicitation to employees. Many agencies also issue memos to their employees reminding them of the upcoming end of the leave year and the dates by which they must schedule annual leave subject to forfeiture (otherwise known as "use or lose" annual leave—see [Leave Year Beginning and Ending Dates](#) fact sheet) and could include solicitations for new donations to employees within those memos. Within the agency's solicitation for donations, whatever form that takes, an agency could also provide guidance that there are separate limitations on the donation of annual leave under the ELTP and the

Voluntary Leave Transfer Program (VLTP) and Voluntary Leave Bank Program (VLBP), as further explained below. Therefore, employees may be able to donate more annual leave under these separate provisions than they thought possible.

- **Limits on donations of annual leave and waiver of the limitations.** Generally, the ELTP regulations at 5 CFR 630.1110 provide that emergency leave donors may not contribute more than 104 hours of annual leave in a leave year to an emergency leave transfer program. However, agencies may establish written criteria for waiving this 104-hour limitation. Agencies concerned about not having sufficient leave donations may consider such a waiver. Agencies should provide guidance to potential donors that donations under the ELTP are *not* included in the combined limitation on donations under the VLTP and VLBP; therefore, donating to the ELTP will not restrict any other donations. An agency may also solicit donations in the new leave year, should there be an ongoing need, especially if there are any weather emergencies later in the season that require the establishment of an additional ELTP.
- **Donations from leave bank.** With the concurrence of the leave bank board, an agency leave bank may contribute donated annual leave from the leave bank to an ELTP under 5 CFR 630.1104. Agencies with leave banks may wish to begin discussions with their leave bank boards regarding whether and how much annual leave the leave bank would be willing to contribute to any agency ELTPs.

**Note:** There are no limits on the amount of annual leave a leave bank may contribute to an ELTP, nor on the number of times a leave bank may donate to ELTPs. If agencies have approved emergency leave recipients with an immediate need and not enough leave donations, leave transferred from a leave bank can meet that immediate need. Since leave from the leave bank must be donated to a specific ELTP, if agencies have not yet been able to assess the level of need for specific ELTPs, and are able to meet the current expressed need of their emergency leave recipients through employee leave donations, they may wish to wait until they know the level of need under each ELTP before the leave bank transfers annual leave to a particular ELTP.

- **Need for donated leave from other agencies.** An agency should begin to gather estimates from affected employees as soon as possible to determine how much donated annual leave is needed. If an agency determines that it does not have sufficient amounts of donated annual leave to meet the needs of its emergency leave recipients, [contact OPM](#) as soon as possible with the number of additional hours needed. OPM can solicit and coordinate the transfer of donated annual leave from other Federal agencies. Based on the demand for donated leave, OPM will notify each agency of the cumulative amount of donated annual leave that will be credited to it for transfer to its approved emergency leave recipients. The agency will determine the amount of donated annual leave to be transferred to each emergency leave recipient employed by the agency. *Informing OPM early may make it possible for agencies that wish to contribute to have time to solicit “use or lose” annual leave for donation from their employees.*
- **Important considerations for annual leave subject to forfeiture (“use or lose” annual leave).** Agencies should inform emergency leave recipients that the normal requirements for

the scheduling of annual leave apply, so employees must be sure to schedule any annual leave subject to forfeiture in writing before the start of the third biweekly pay period prior to the end of the leave year. An employee's personal emergency (i.e., his or her status as an emergency leave recipient) is not an exigency of the public business for the purposes of restoration of annual leave. An exigency of the public business exists when an agency has an urgent need for the employee to be at work. (See our [Restoration of Annual Leave](#) and [Leave Year Beginning and Ending Dates](#) fact sheets for more information.)

- **Limitations on amount of leave an emergency leave recipient may receive.** Agencies should inform emergency leave recipients of the limitations on the amount of annual leave they may receive. Under 5 CFR 630.1111 of the ELTP regulations, an emergency leave recipient may receive a maximum of 240 hours of donated annual leave at any one time from an ELTP established for each disaster or emergency. An agency may allow an employee to receive additional disbursements of donated annual leave based on the employee's continuing need. Each disbursement of transferred annual leave may not exceed 240 hours.
- **Special considerations for areas affected by more than one hurricane.** Emergency leave recipients who were affected by two hurricanes for which ELTPs were established (e.g., Hurricanes Irma and Maria) may apply to become emergency leave recipients under either or both ELTPs. As noted above, the leave donation limits apply per declared disaster or emergency.
- **Use of Leave Without Pay (LWOP) or advanced annual or sick leave while waiting for donated annual leave.** Agencies should inform adversely affected employees that, depending on agency policy, they may request leave without pay or advanced annual or sick leave (as appropriate, meaning only for the purposes for which sick leave may be used), even if they have available annual and sick leave. This allows an employee to not be forced to use accrued leave before donated annual leave becomes available. This is necessary since, under 5 CFR 630.1113, donated annual leave may only be substituted retroactively for any period of leave without pay or advanced annual or sick leave used because of the emergency. Donated annual leave **may not** be retroactively substituted for periods during which accrued annual or sick leave was used because of the emergency.

#### **Agencies without affected employees**

- **Discussions with leave bank board.** If a Governmentwide transfer of annual leave is coordinated by OPM, agency leave banks may contribute leave from the leave bank to another agency's ELTP. Given the extreme nature of the hurricanes associated with the three concurrent ELTPs, agencies with leave banks but with no affected employees may wish to begin discussions with their leave bank boards regarding whether and how much annual leave the leave bank would be willing to contribute should there be a Governmentwide need. This will assist in making any necessary transfers as quickly as possible.
- **Draft solicitation memos.** Agencies may wish to generate a draft solicitation memo in case a Governmentwide solicitation of leave is necessary. This will make it possible to solicit

donations quickly, especially since the need may not become known until close to the end of the leave year when employees may be interested in contributing their “use or lose” annual leave.

- **Keep records of employees who express interest in donating to an ELTP.** Employees may contact their servicing human resources (HR) offices and express interest in donating to employees affected by the recent hurricanes. If an agency has no affected employees, the HR office should explain that each individual agency administers the ELTP for their own affected employees, and that their agency does not have any affected employees, but will contact interested employees if there is a Governmentwide solicitation. This will allow a servicing HR office the ability to contact employees who expressed this interest immediately should there be a Governmentwide solicitation.

### **Additional ELTP Guidance**

OPM’s regulations on the administration of the emergency leave transfer program (5 CFR Part 630, Subpart K) are available at <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=ef599568d4b61fce088bb504001f7601&rgn=div6&view=text&node=5:1.0.1.2.83.11&idno=5>.

Additional guidance is available in our [Emergency Leave Transfer Program](http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/emergency-leave-transfer-program/) fact sheet at <http://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/emergency-leave-transfer-program/>.

The supplementary information to our final Emergency Leave Transfer Program regulations published in 2008, available at <http://www.gpo.gov/fdsys/pkg/FR-2008-11-04/pdf/E8-26220.pdf>, may also provide helpful background information.