



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

Tuesday, January 2, 2018

CPM 2018-01

MEMORANDUM FOR: HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: KATHLEEN M. McGETTIGAN, ACTING DIRECTOR

Subject: Emergency Leave Transfer for Federal Employees Adversely Affected by the California Wildfires December 2017

Recent California wildfires have destroyed thousands of structures, which has led to evacuation warnings and mandatory evacuations in certain areas. As the wildfires continue to expand, agencies have asked whether employees affected by the California wildfires that began in December 2017 can participate in the emergency leave transfer program (ELTP) for the California wildfires established in October of this year. The U.S. Office of Personnel Management (OPM) has determined that the California wildfires that began in December 2017 and the October wildfires are separate emergencies because the October wildfires received a separate disaster declaration ([DR-4344](#)), affected different counties in California, and began and ended in October 2017. Therefore, employees affected by the California wildfires that began in December 2017 may not participate in the ELTP for the California wildfires established on October 31, 2017 ([CPM 2017-15](#)).

In the event of a major disaster or emergency as declared by the President that results in severe adverse effects for a substantial number of Federal employees, OPM, in consultation with the U.S. Office of Management and Budget (OMB), may establish an ELTP. After coordinating with Federal agencies to assess the impact on employees adversely affected by the California wildfires that began in December 2017, OPM, in consultation with OMB, has determined that the establishment of an ELTP for this separate emergency as declared by [EM-3396](#) is warranted. This means agencies may need to administer multiple, concurrent ELTPs.

On November 2, 2017, OPM provided guidance to agencies explaining how best to administer multiple, concurrent ELTPs to ensure that emergency leave recipients receive sufficient amounts of donated annual leave ([CPM 2017-16](#)). An ELTP permits employees in the executive and judicial branches, or agency leave banks established under 5 U.S.C. 6363, to donate unused annual leave for transfer to employees of the same or other agencies (or the judicial branch) who are adversely affected by a major disaster or emergency, either directly or through adversely affected family members, and who need additional time off from work without having to use their own paid leave. Under the ELTP statute at 5 U.S.C. 6391(b), an ELTP must be established for a specific disaster or emergency, and employees' donations of annual leave must be directed to a specific, established ELTP. While donated annual leave cannot be combined into one overarching ELTP for distribution to an agency's emergency leave recipients, our guidance on

the administration of the multiple ELTPs ensures that agencies provide the maximum assistance to their affected employees.

Employees who are adversely affected and seek to become emergency leave recipients must apply in writing to their agencies. An employee who is unable to do so on their own may apply through a personal representative (5 CFR 630.1105). The ELTP will be in place to assist approved leave recipients as the need for donated annual leave becomes known.

Agencies with employees adversely affected by the California wildfires that began in December 2017 are in the best position to determine whether, and how much, donated annual leave is needed by their employees and which of their employees have been adversely affected by the emergency within the meaning of OPM regulations. They are also in the best position to quickly facilitate the transfer of donated annual leave within their agencies. Therefore, OPM is authorizing agency and department heads (or their designees) to do the following:

- (1) Determine which employees are affected and whether, and how much, donated annual leave they need;
- (2) Determine the period of time for which donated annual leave may be accepted for distribution to approved leave recipients;
- (3) As appropriate, approve leave donors and/or leave recipients in their agencies;
- (4) Facilitate the distribution of donated annual leave from approved leave donors or (with the concurrence of an agency leave bank board) from an agency leave bank to approved leave recipients within their agencies; and
- (5) Educate adversely affected employees that, dependent on agency policy, they may request advanced annual or sick leave, as appropriate (even if they have available annual and sick leave) or leave without pay, so that they are not forced to use accrued leave before donated annual leave becomes available. This is necessary since 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; it may not be retroactively substituted for accrued annual or sick leave used because of the emergency.

Agencies are responsible for administering the ELTP for their own affected employees. Therefore, employees who wish to donate annual leave must contact their own agencies, not OPM, to determine if there are any affected employees in their agency and how to donate annual leave to them.

Agencies should contact OPM for assistance in receiving additional donated annual leave from other agencies only if they do not receive sufficient amounts of donated annual leave to meet the needs of emergency leave recipients within the agency. Based on the demand for donated leave, OPM will solicit and coordinate the transfer of donated annual leave among Federal agencies. 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.

OPM's regulations on the administration of the emergency leave transfer program (5 CFR Part 630, Subpart K) are available at <https://www.ecfr.gov/current/title-5/part-630/subpart-k>. Additional guidance is available in our 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.

Additional Information

Agency headquarters-level human resources offices may contact Pay and Leave at OPM at pay-leave-policy@opm.gov. Because the emergency leave transfer program will be administered by the agencies, employees should contact their servicing agency human resources office for further information on the emergency leave transfer program.

cc: Chief Human Capital Officers, and Human Resources Directors