

24 **income to the employee because of the unavailability of paid leave (disregarding**
25 **any advance leave).**

26

27 **B. A Family member means an individual with any of the following relationships**
28 **to the employee:**

29 **1. Spouse, and parents thereof;**

30 **2. Sons and daughters, and spouse thereof;**

31 **3. Parents, and spouses thereof;**

32 **4. Brothers and sisters, and spouse thereof;**

33 **5. Grandparents and grandchildren, and spouses thereof;**

34 **6. Domestic partner, including domestic partners of any individual in**
35 **categories 2-5 of this definition.**

36 **7. Any individual related by blood or affinity whose close association with the**
37 **employee is the equivalent of a family relationship.**

38

39 **C. Leave Bank means a pooled fund of annual leave, sick leave and/or credit**
40 **hours established by the Agency.**

41

42 **D. Leave Bank Member means a leave contributor who has contributed, in an**
43 **open enrollment period of the current leave year, at least the minimum amount**
44 **of annual leave, sick leave and/or credit hours required by 5 CFR 630.**

45

46 **E. Leave Contributor means an employee who contributes annual leave, sick**
47 **leave and/or credit hours to a leave bank.**

48

49 **F. Leave Recipient means a leave bank member whose application to receive**
50 **contributions of leave from a leave bank has been approved.**

51

52

53 **Section 3. Establishment of the Leave Bank Board (LBB)**

54

55 **A. SSA shall establish one Leave Bank and Leave Bank Board authorized to**
56 **administer the Bank.**

57

58 **B. A LBB composed of three (3) members. Two (2) of the members will be**
59 **appointed by the Union and one (1) member will be appointed by the Agency**
60 **to administer the program. There will also be two (2) substitutes appointed by**
61 **the Union and one (1) substitute appointed by the Agency to participate in a**
62 **member's absence. The functions of the LBB will include:**

63 **1. Maintaining and administering Leave Bank Policies and procedures;**

64 **2. Establish its internal decision-making procedures;**

65 **3. Review and approve or disapprove each application to become a**
66 **leave contributor and/or leave recipient;**

67 **4. Monitor the status of each leave recipient's medical emergency;**

68 **5. Monitor the amount of leave in the leave bank and the number-of**
69 **applications to become a leave recipient;**

70 **6. Maintain an adequate amount of leave in the leave bank to the**
71 **greatest extent possible; and**

72 **7. Perform other functions as related to the program.**

73

74 **C. Committee members are appointed for a 2-year term. Appointments are**
75 **renewable.**

76

77 **D. The decisions of the LBB will be made by majority.**

78

79 **E. Two (2) members will constitute a quorum. The LBB may make decisions on**
80 **pending applications for leave bank requests when a quorum exists.**

81

82 **F. The LBB will hold quarterly face-to-face meetings. All other meetings of the**
83 **LBB will be held at least once each pay period, via conference call.**

84

85 **G. All LBB members and their substitutes shall serve in an Agency assignment**
86 **of work capacity.**

87

88 **H. The LBB, in consultation with OPM, may also;**

89 **1. decrease the minimum contribution when the board determines there**
90 **is a surplus, or**

- 91 **2. increase the minimum contribution when such action is necessary to**
92 **maintain an adequate balance in the bank or,**
- 93 **3. waive the-requirement for minimum contribution on an individual**
94 **basis if, a leave recipient does not have sufficient accrued annual**
95 **leave to make the full minimum contribution required.**
- 96 **4. Waive the requirement for a minimum contribution when a leave**
97 **bank member transfers from his/her employing agency to an**
98 **organization covered by another leave bank.**

99

100 **Section 4 – Eligibility for Membership**

101

102 **A. An employee must annually file the appropriate application to the LBB to**
103 **request that at least the minimum number of hours be transferred from the**
104 **leave account of the employee to the leave bank.**

105

106 **B. The minimum contribution shall be the employee’s annual leave accrual for (1)**
107 **pay period, unless otherwise established by the LBB. (Example, if there is a**
108 **shortage or excess of available hours, the LBB may increase or decrease the**
109 **minimum contribution.)**

110

111 **C. There will be no more than two (2) open enrollment periods each year. Open**
112 **enrollment periods will last for 30 days and will be scheduled from May 1 to**
113 **May 31 and November 1 to November 30.**

114

115 **D. An employee entering the Agency or returning from an extended absence**
116 **outside an open enrollment period may become a leave bank member if she/he**
117 **submits the appropriate application and makes the minimum contribution**
118 **within thirty calendar days of her/his return from work.**

119

120 **E. In addition to the minimum required contribution for leave bank membership,**
121 **a member may make additional voluntary contribution at any time with the**
122 **following limitations:**

123 **1. In any one leave year, a leave contributor may contribute no more**
124 **than a total of one-half (1/2) of the amount of annual leave such**
125 **contributor would be entitled to accrue during the leave year in**
126 **which the contribution is made.**

127 **2. A leave contributor who is projected to have annual leave that would**
128 **otherwise be subject to forfeiture at the end of the leave year may**
129 **contribute no more than the number of hours in the leave year (as of**
130 **the date of the contribution for which the leave contributor is**
131 **scheduled to work and receive pay).**

132 **3. The Leave Bank Board may waive these limitations. Any such waiver**
133 **must be in writing.**

134

135 **F. A Leave Bank member may also participate in the Leave Transfer Program.**

136

137 **G. Contributions to the Bank may also be accepted from non-members of the**
138 **leave bank member, subject to the same limitations as bank members as**
139 **shown in subsection F above.**

140

141 **Section 5. Role of A Personal Representative**

142

143 **In situations where an employee is not capable of making application on his/her**
144 **own behalf, a personal representative may be designated. The personal**
145 **representative may engage in such activities as:**

- 146 ○ **Assisting the employee with administrative requirements such as the**
147 **application process and acquiring and providing medical documentation;**
- 148 ○ **Serving as a coordinator and facilitator for communications between the**
149 **Leave Bank Board and the employee who has been designated as a leave**
150 **recipient;**
- 151 ○ **Ensuring that the LBB and the recipient's supervisor are informed about**
152 **the status of the medical emergency and any changes thereto.**

153

154 **Section 6. Applications To Become a Leave Recipient**

155

156 **A. An application by a bank member to become a leave recipient may be filed by**
157 **the employee or a personal representative of the employee, if the employee is**
158 **not capable of making application on his/her own behalf.**

159

- 160 **B. The employee or personal representative shall complete the application and**
161 **submit the request to be a recipient of Leave Bank contributions to the LBB.**
162 **Such applications may be submitted by regular mail, fax or email.**
163
- 164 **C. Applications may be submitted when the combined annual sick leave balance**
165 **is 24 hours or less for an employee's medical emergency or 24 hours or less**
166 **when a family member is experiencing a medical emergency.**
167
- 168 **D. In order to be considered for leave contribution, the application(s) must be**
169 **accompanied by medical certification from a health care provider which**
170 **should include an anticipated date of return. The LBB will treat as confidential**
171 **any medical information given by an employee in support of a request for**
172 **leave contribution.**
173
- 174 **E. If an employee is requested to obtain certification from additional sources, the**
175 **employee is not required to pay the additional expenses associated with**
176 **obtaining certification from the additional source(s).**
177
- 178 **F. Normally, an application for leave contributions will be submitted no later than**
179 **30 days after the medical emergency terminates.**
180
- 181 **G. The application to receive Leave Bank contributions from the Leave Bank**
182 **program shall include, at minimum, the following information:**

- 183 **1. The leave bank member’s name, position title, duty station;**
- 184 **2. The date the medical emergency began;**
- 185 **3. The reason why leave is needed including a brief description of the**
186 **nature of the emergency, the expected duration of incapacitation and if**
187 **it is a recurring one, the approximate frequency of the medical**
188 **emergency. Normally, the employee will not be required to provide**
189 **specific medical information such as a diagnosis and prognosis.**
- 190 **4. A statement to the effect that the information about the employee’s**
191 **medical emergency may be disclosed only with the recipient written**
192 **consent, which limits accessibility to the LBB. Any medical**
193 **documentation that is provided to the LBB will be secured in a manner**
194 **that is only accessible to those LBB members who have the employee’s**
195 **consent to review the documentation.**
- 196 **5. A statement to the effect that current banked leave may be used to**
197 **repay leave indebtedness for the current medical emergency,**
- 198

199 **Section 7. Decisions on Applications**

200

- 201 **A. At least two (2) Leave Bank Board members are required to act on and either**
202 **approve or disapprove an application. The LBB shall define its voting**
203 **procedures.**
- 204

205 **B. Applicants for leave contributions shall normally be notified of the decision**
206 **(or request for additional information) within 3 workdays.**

207

208 **C. An application cannot be approved unless the applicant's absence from duty**
209 **without pay is expected to last at least 24 hours for a full time employee or at**
210 **least 30% of the average number of hours in a biweekly tour of duty.**

211

212 **D. Advance leave will not be considered as "paid leave available", to offset a**
213 **substantial loss of income as reference in the medical emergency definition.**

214

215 **E. If the application(s) for leave contributions is denied, the applicant will be**
216 **provided with a written notice and explanation for the denial from the**
217 **authorizing official for leave Transfer and/or the LBB.**

218

219 **F. The LBB will process requests in the order of receipt. The provision of leave**
220 **from the bank shall not exceed 120 hours.**

221

222

223 **Section 8. Use of Transferred and Accrued Leave**

224

225 **A. Transferred annual leave withdrawn from the Bank may only be used for the**
226 **medical emergency for which the leave recipient was approved.**

227

228 **B. Any leave earned in the employee's regular leave account must be used first**
229 **each pay period before a recipient is allowed to use any donated leave. Any**
230 **hours donated through the Voluntary Leave Transfer Program will be used**
231 **next. Leave Bank hours will be the last leave used during the pay period.**
232 **That is, annual leave and sick leave accrued in the regular account through**
233 **the pay period will be used first, then VLTP hours will be used. If more hours**
234 **are needed, the Leave Bank will be used.**

235

236 **In other situations affecting family members, the employee could have a**
237 **substantial sick leave balance but no remaining annual leave. Access to sick**
238 **leave may not be permissible, however, because the employee may have**
239 **already exhausted his/her sick leave entitlement under the Family-Friendly**
240 **Leave Act or the medical emergency does not fulfill any of events or conditions**
241 **for sick leave use. In this case, the employee could also apply to become a**
242 **leave recipient as long as the time off is expected to last at least 24 hours.**

243

244 **C. The maximum amount of annual and sick leave that may be accrued while**
245 **using leave bank contributions shall not exceed 40 hours (prorated for part**
246 **time employees) during the medical emergency.**

247

248 **A "set aside" account will be kept separately in which a maximum of 40 hours**
249 **of annual leave and 40 hours of sick leave earned on any shared leave will be**
250 **held. In the case of a part-time employee or an employee with a non-standard**

251 **tour of duty, the maximum will be the average number of hours in the**
252 **employee's weekly scheduled tour of duty. These hours are not available for**
253 **use until the medical emergency terminates or all donated leave is exhausted.**

254

255 **D. Annual leave withdrawn from the bank may be substituted retroactively for**
256 **any period of leave without pay, or used to liquidate an indebtedness for any**
257 **period of advanced leave which began on or after the date fixed as the**
258 **beginning of the medical emergency.**

259

260 **Section 9. Termination of Medical Emergency**

261

262 **A. The medical emergency shall terminate**

- 263 **1. when the employee's federal service terminates**
- 264 **2. when the leave recipient leaves SSA**
- 265 **3. at the end of the bi-weekly pay period in which the Leave Bank Board**
266 **receives written notice from the leave recipient or personal**
267 **representative that the medical emergency no longer exists.**
- 268 **4. at the end of the bi-weekly pay period in which the LBB determines,**
269 **after written notice and opportunity for the leave recipient to answer**
270 **orally or in writing that the leave recipient is no longer affected by**
271 **the medical emergency.**
- 272 **5. at the end of the biweekly pay period in which SSA receives notice**
273 **that OPM has approved an application for disability retirement.**

274

275 **B. Annual leave withdrawn from the Bank and not used before the termination of**
276 **a leave recipient's medical emergency shall be returned to the leave bank.**

277

278 **Section 10. Prohibition of Coercion**

279

280 **An employee may not directly, indirectly or attempt to intimidate, threaten, or**
281 **coerce any other employee for the purpose of interfering with the any right such**
282 **employee may have with respect to contributing, withdrawing, or using annual**
283 **leave under this program.**

284

285 **Section 11. Miscellaneous**

286

287 **1. Reports**

288 **a. During the first year, the LBB shall provide quarterly reports to SSA and**
289 **AFGE. These reports shall include, but is not limited to, the**
290 **establishment of policies and procedures set up by the LBB; status of**
291 **membership, status of leave bank, number of applications received;**
292 **amounts of leave authorized by the LBB, and any immediate**
293 **recommendations and changes needed.**

294

295 **b. After the 1st year of implementation, the LBB shall provide annual report**
296 **to SSA and AFGE reflecting events experienced and include**
297 **recommendations on the SSA Leave Bank Program.**

298
299 **c. Each report shall be discussed at the first Union Management Committee**
300 **meeting after the issuance of the report. If a report indicates that**
301 **significant changes are needed to assure the success of the Leave Bank**
302 **Program, the Parties can mutually agree to reopen the provisions of this**
303 **agreement.**

304

305 **2. Communications**

306

307 **a. The Agency will provide an introductory IVT broadcast to introduce the**
308 **Leave Bank Program. The broadcast shall include, but is not limited to,**
309 **an explanation the Leave Bank Program's policy and procedures, an**
310 **introduction of the Leave Bank Board, and directions to access the**
311 **electronic application. Additionally, the Agency will make its policy and**
312 **procedures for Leave Bank Program available on its web site. All**
313 **communication forums regarding the Leave Bank Program shall include**
314 **the following information:**

315 **1. Enrollment Periods**

316 **2. Eligibility requirements**

317 **3. Application Process**

318 **4. Necessary documentation and verifications**

319 **5. Decision criteria**

320

321 **b. The Agency agrees to provide training on the Leave Bank Program,**
322 **which will be archived on Video On Demand (VOD). All employees will**
323 **be encouraged to attend this training, but training will be voluntary.**

324

325 **c. The Agency will broadcast a solicitation to all AFGE bargaining unit**
326 **employees 3 days prior to the opening date of the open enrollment**
327 **period.**

328

329 **3. Data Collection**

330

331 **a. All data pertaining to the use of the Leave Bank Program will be**
332 **collected and retained for a period of seven (7) years.**

333 **This data should include:**

- 334 ○ **EEO profiles for each applicant and recipient;**
- 335 ○ **The number of employees who applied for the LBP;**
- 336 ○ **The number of employees who received LBP benefits;**
- 337 ○ **The amount of LBP leave paid for each recipient;**
- 338 ○ **The Title and job series of each applicant and recipient;**
- 339 ○ **The component and Region of each applicant and recipient.**

340

341 **A report of this information shall be provided to the AFGE General**
342 **Committee Spokesperson annually.**