STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF MILITARY AND NAVAL AFFAIRS
330 Old Niskayuna Road
Latham, New York 12110-2224

DMNA Pamphlet
Number 690-15

15 January 1990

Civilian Personnel

LEAVE TRANSFER PROGRAM

1. PURPOSE. To establish procedures for a leave transfer program under which the unused accrued annual leave of technician employees may be donated for use by other federal technicians. It is intended to help employees who have exhausted their leave because of medical problems or a long-term personal hardship.

2. COVERAGE. All federal technicians employed by the New York National Guard.

3. DEFINITIONS.

a. Leave donor: A technician who voluntarily makes a written request for transfer of annual leave to the annual leave account of an approved leave recipient.

b. Leave recipient: A currently employed technician for whom the Support Personnel Management Office (SPMO) has approved an application to receive annual leave from the annual leave accounts of one or more leave donors.

c. Personal emergency: A medical or family emergency or other hardship situation that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave. The absence from duty must be expected to exceed 10 workdays. Tours of annual training (AT), active duty for training (ADT), active duty special work (ADSW), special training, and any other military duty in a pay status are not considered a personal emergency.

4. LEAVE DONOR.

a. May submit a voluntary written request through his/her supervisor to the SPMO that a specified number of hours of his or her accrued annual leave be transferred to the annual leave account of a specified leave recipient. The immediate supervisor of a potential leave donor will review their accrued annual leave to ensure that some annual leave is retained for personal use.

b. May submit a request upon learning of another technician's hardship. The potential donor does not have to wait until the leave recipient's application is approved. The request will only be used if the leave recipient's application is approved.

c. May donate up to one half of the amount of annual leave he or she would be entitled to accrue during the leave year in which the donation is made if that amount of leave is in their annual leave account at the time of donation. Donors may not donate leave to be earned in future pay periods.

d. If the donor is projected to have annual leave that otherwise would be forfeited at the end of the year, donor may donate no more than the number of hours remaining in the leave year (as of the date of the transfer) for which the donor is scheduled to work and receive pay.

e. The SPMO may waive the limitations in subparagraphs c or d above, if unusual circumstances warrant approval. Requests for waiver must be submitted in writing.

f. May not donate leave to his/her immediate supervisor.

g. May elect to have unused donated leave restored during the current year or during the following leave year. Leave donors may also elect to donate restored leave in whole or part to another leave recipient.

5. LEAVE RECIPIENT.

a. Must make written application through their supervisor to the SPMO to become a leave recipient if he/she expects to be absent from duty, in an unpaid leave status, for at least ten work days due to a personal emergency. If such an employee is not capable of making application on his or her own behalf, another employee may make written application. Application will be made using DMNA Form 1102-R.

b. Must use all available leave (as of the date of approval) before using transferred leave (i.e. annual, sick, compensatory).

c. May accrue up to 40 hours annual and 40 hours sick leave during their absence. This leave will be credited to the leave recipients account as of the beginning of the first pay period after the medical emergency terminates. If the technician leaves federal service, this leave will not be credited.

d. Must provide documentation to immediate supervisor to verify the need for donated leave, and may be asked for subsequent verification throughout the personal emergency. If the recipient is required by the agency to obtain certification from more than one source, the expenses for the additional certification will be paid by the agency either directly to the physician or expert or by reimbursement.

e. May use donated leave to retroactively substitute leave for periods of leave without pay (LWOP) or to liquidate an

indebtedness for advanced annual or sick leave granted in the previous 12-month period, if the leave was originally granted due to a personal emergency.

f. May not transfer donated leave to another leave recipient.

g. May not transfer donated leave upon transfer to another government agency.

h. May not be recredited donated leave upon re-employment by a government agency.

i. May not use transferred annual leave for a lump sum payment upon separation from government service.

6. REQUEST. A technician who has been affected by a personal emergency may make written application to become a leave recipient using DMNA Form 1102-R. If the technician is incapable of making application on their own behalf, another employee may make application for him/her. All applications must be made through the affected technician's supervisory chain of command to the SPMO, ATTN: MNSP-PM. Upon receipt of an application, the first line supervisor will verify the emergency and review the employment information on the form. The application must be returned to the applicant if correction or additional information is required. The supervisor must forward the application within five workdays from the date of receipt. To avoid delays, the application form must be filled out completely. Incomplete forms may be returned for additional information.

7. APPROVAL/DISAPPROVAL.

a. The Support Personnel Management Officer will review the leave transfer request and either approve or disapprove the request based on the nature of the request and the support documentation. The requestor will be notified within ten working days of the date of receipt. If disapproved, the applicant will be provided direct written notice of disapproval and the reasons for disapproval. A copy will be furnished to the first line supervisor. The Adjutant General is the reviewing authority in the case of an appeal.

b. If leave donors have already made written application to support the request, the written approval from the SPMO will include the names of the donors. Copies of the approved application will be provided to the first line supervisor and to the leave recipient's servicing payroll office for implementation.

c. If there are not sufficient donors to support an approved request, the SPMO will announce the need for donations.

8. TRANSFER OF ANNUAL LEAVE.

a. A technician may submit to their first line supervisor a voluntary, irrevocable request to transfer a specific number of hours of accrued annual leave to a specified approved leave recipient. The request will be made using DMNA Form 1103-R. Submitted forms must be complete to avoid delays.

b. Upon receipt of the request, the first line supervisor will review for completeness and forward the request to SPMO, ATTN: MNSP-PM. The first line supervisor will ensure that the requested number of hours do not exceed the limitations given in para 3, Leave Donor, above.

c. Upon approval, transferred annual leave received by an approved leave recipient may be accumulated without regard to the 240-hour limitation. The leave recipient's servicing payroll office will monitor the transfer of donated leave using DMNA Form 1104-R.

d. This agency may accept the transfer of annual leave from leave donors employed by one or more other agencies when, in its judgment, the amount of annual leave transferred from leave donors employed by this agency may not be sufficient to meet the needs of the leave recipient. Before accepting the transfer of annual leave from a leave donor of another agency, the SPMO shall verify that the donor's requests to transfer annual leave has been approved by his or her employing agency. Interagency transfer requests will also be approved if the donor is a family member of the leave recipient or if the SPMO determines that such transfer would further the purpose of the voluntary leave transfer program.

9. TERMINATION OF PERSONAL EMERGENCY.

a. The entitlement to utilize donated annual leave shall be terminated

(1) when the leave recipient's employment is terminated,

(2) at the end of the biweekly pay period in which the SPMO determine's that the leave recipient is no longer affected by a personal emergency, or

(3) at the end of the biweekly pay period in which the SPMO receives notice that the Office of Personnel Management (OPM) has approved an application for disability retirement for the leave recipient.

b. The SPMO will continuously monitor the status of the personal emergency to ensure that the previously approved situation still exists.

c. When the personal emergency terminates, the first line supervisor will forward DMNA Form 1105-R to SPMO, ATTN: MNSP-PM. The SPMO will forward a copy to the servicing payroll office.

d. When the personal emergency affecting a leave recipient terminates, no further requests for transfer of annual leave to the leave recipient may be granted, and any unused transferred annual leave remaining to the credit of the leave recipient shall be restored to the leave donors.

10. RESTORATION OF TRANSFERRED ANNUAL LEAVE.

a. Any transferred annual leave remaining to the credit of a leave recipient when the personal emergency terminates shall be restored, to the extent administratively feasible by transfer to the annual leave accounts of leave donors currently employed on the date the personal emergency terminates.

b. The amount of unused transferred annual leave to be restored to each leave donor shall be determined as follows:

(1) Divide the number of hours of unused transferred annual leave by the total number of hours of annual leave originally transferred to the leave recipient.

(2) Multiply the ratio obtained by the number of hours of annual leave transferred by each leave donor eligible for restoration and round the result down to the nearest hour.

c. If the total number of eligible leave donors exceeds the total number of hours of annual leave to be restored, no unused transferred annual leave shall be restored. In situation where leave is not restored, it will be placed in a general pool. It will be used to support leave transfer requests where there are an insufficient number of donors to support the needs of a leave recipient. Any leave remaining at the end of a leave year will be forfeited.

d. In no case shall the amount of annual leave restored to a donor exceed the amount transferred to the leave recipient by the donor.

e. Transferred annual leave restored to the account of a leave donor before the beginning of the third biweekly pay period before the end of the leave year will count against the maximum carry-over of 240 hours.

f. Transferred annual leave restored to the account of a leave donor after the beginning of the third biweekly pay period before the end of the leave year will not count against the maximum carry-over of 240 hours for that year, but will count against the maximum for the following year.

11. PROHIBITION OF COERCION.

a. An employee may not directly or indirectly intimidate, threaten, or coerce; or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving or using annual leave.

b. For the purpose of paragraph 11a, above, the terms "intimidate, threaten or coerce" includes promising to confer or conferring any benefit (such as an appointment or promotion or compensation) or effecting or threatening to effect and reprisal (such as deprivation of appointment, promotion, or compensation).

12. RECORDS AND REPORTS.

a. The SPMO will be responsible for records and reports relative to the Leave Transfer Program.

b. NYANG and NYARNG payroll offices will provide information to the SPMO as requested.

APPENDIX

"R" Forms

This pamphlet contains DMNA "R" forms that can be reproduced locally. They are located at the back of this pamphlet.

Table A-1. "R" Forms

Form Number	Title	Print on
DMNA Form 1102-R (15 Jan 90)	Application for Leave Transfer Program	8 1/2 x 11 inch cut sheet
DMNA Form 1103-R (15 Jan 90)	Request to Donate Annual Leave	8 1/2 x 11 inch cut sheet
DMNA Form 1104-R (15 Jan 90)	Leave Transfer Payroll Documentation	8 1/2 x 11 inch cut sheet
DMNA Form 1105-R (15 Jan 90)	Termination of Personal Emergency	8 1/2 x 11 inch cut sheet

APPLICATION FOR LEAVE TRANSFER PROGRAM

(Prescribing directive is DMNA Pam 690-15. Proponent office is MNSP.)

NAME	SSN
HOME ADDRESS	
LEAVE RECIPIENT'S PHONE NUMBER DURING EMERGENCY:	
WORK LOCATION	
CURRENT BALANCE (attach latest leave & earnings statement) ANNUAL:	SICK:
DESCRIPTION OF EMERGENCY (attach doctor's certificate and/or other pertinent information)	
DATE ABSENCE TO BEGIN	DATE OF RETURN TO DUTY
PERSON TO CONTACT ON BEHALF OF RECIPIENT (if applicable) NAME ADDRESS	PHONE

RELEASE

Leave recipients must agree to the public release of their name and the nature of their emergency to assist the collection of donated leave. The signature of the recipient or their representative indicates approval to release this information.

APPLICANT'S SIGNATURE	DATE
REPRESENTATIVE'S SIGNATURE	DATE

IMMEDIATE SUPERVISOR'S ENDORSEMENT

|_| I recommend approval of this application and I certify that, if approved:

1. I will validate the continuing nature of the emergency each pay period and will notify the SPMO upon termination of the emergency.
2. I will annotate the time and attendance records to ensure all available paid leave is used prior to transferred leave.
3. I will notify the SPMO immediately if the employee separates from federal service while receiving donated leave.

|_| I do not recommend approval of this application (reasons attached)

IMMEDIATE SUPERVISOR'S SIGNATURE	DATE

DMNA Form 1102-R
(15 Jan 90)

REQUEST TO DONATE ANNUAL LEAVE

(Prescribing directive is DMNA Pam 690-15. Proponent office is MNSP.)

NAME	SSN
WORK LOCATION	
POSITION	GRADE/STEP
HOURLY/ANNUAL SALARY	ANNUAL LEAVE ACCRUAL RATE
CURRENT ANNUAL LEAVE BALANCE (attach leave and earnings statement)	
NUMBER USE OR LOSE HOURS	HOURS TO BE EARNED DURING REMAINDER OF LEAVE YEAR
NUMBER OF HOURS TO BE DONATED	
NAME OF LEAVE RECIPIENT	

LEAVE DONOR'S CERTIFICATION

I certify:

a. This request to donate leave is voluntary and is made without reservation, coercion or intimidation.
b. I understand that this donation is irrevocable.
c. I expect nothing in return, including reciprocal receipt of transferred annual leave.
d. I understand that unused transferred leave will be returned on a pro-rated basis as determined by the payroll office.

DONOR'S SIGNATURE	DATE

LEAVE APPROVING OFFICIAL'S APPROVAL/DISAPPROVAL

I have reviewed the requestor's annual leave balance and the limitations on donations of annual leave.

|_| Approve |_| Disapprove

LEAVE APPROVING OFFICIAL'S SIGNATURE	DATE
WORK LOCATION	PHONE

FOR PAYROLL OFFICE USE ONLY

RESTORED LEAVE AMOUNT	PAY PERIOD	INITIALS

DMNA Form 1103-R
(15 Jan 90)

LEAVE TRANSFER PAYROLL DOCUMENTATION

(Prescribing directive is DMNA Pam 690-15. Proponent office is MNSP.)

LEAVE RECIPIENT	SSN
GRADE/STEP	SALARY
DATE EMERGENCY BEGAN	ANTICIPATED RETURN TO DUTY

LEAVE DONORS

NAME	NUMBER OF DONATED HOURS

TOTAL LEAVE DONATED TO RECIPIENT'S ACCOUNT _____

DATE OF RETURN TO DUTY, OR	SEPARATED FROM EMPLOYMENT

TOTAL DONATED LEAVE USED

ANNUAL LEAVE (AL) ACCRUED DURING ABSENCE

SICK LEAVE (SL) ACCRUED DURING ABSENCE

AL BALANCE ON RETURN TO DUTY	SL BALANCE ON RETURN TO DUTY

DMNA Form 1104-R
(15 Jan 90)

TERMINATION OF PERSONAL EMERGENCY

(Prescribing directive is DMNA Pam 690-15. Proponent office is MNSP.)

LEAVE RECIPIENT	SSN
WORK LOCATION	
DATE ABSENCE COVERED BY TRANSFERRED LEAVE BEGAN	

DATE PERSONAL EMERGENCY ENDED _____
OR

DATE OF SEPARATION FROM EMPLOYMENT _____
OR

DATE NOTICE RECEIVED OF APPROVED APPLICATION FOR DISABILITY RETIREMENT _____

DATE OF RETURN TO DUTY (IF APPLICABLE)

LEAVE RECIPIENT'S ACKNOWLEDGEMENT

I understand that unused transferred leave will not be used to compute lump sum leave payment upon separation and that no unused transferred leave will remain in my leave account.

LEAVE RECIPIENT'S SIGNATURE	DATE

LEAVE APPROVING OFFICIAL'S ENDORSEMENT

I certify that the personal emergency ended on the date indicated above. I have notified the leave recipient of their current annual and sick leave balances upon return to duty. These balances concur with the balance on record at the payroll office.

LEAVE APPROVING OFFICIAL'S SIGNATURE	DATE

Make distribution as follows:

a. One copy to Support Personnel Management Office

b. One copy to MNPF-TL (NYARNG) or ANGB/AC (NYANG)

DMNA Form 1105-R
(15 Jan 90)

The proponent office of this pamphlet is the Support Personnel Management Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms), in letter format, directly to The Adjutant General, Division of Military and Naval Affairs, 330 Old Niskayuna Road, Latham, New York 12110-2224.

FOR THE ADJUTANT GENERAL:

OFFICIAL:

THOMAS J. GALLAGHER
Colonel, GS, NYARNG
Chief of Staff

RICHARD A. JOHNSON
Major, AG, NYARNG
Assistant Adjutant General

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