



HUMAN RESOURCES

3.4 Employee Benefits and Programs

FLEXIBLE WORK SCHEDULE

- A. **Purpose:** This policy directive establishes a formal flexible work schedule (FWS) for United States Marshals Service (USMS) employees.
- B. **Authority:** The authority to manage the flexible work schedule program is set forth in Title 5, USC 6121, 6122, and 5 USC 5546(a) and (b). This policy directive does not supersede Article 37 of the 1996 Master Agreement.
- C. **Policy**
1. **Management Discretion:** USMS managers may decide whether to allow voluntary flexible work schedules for their employees.
 2. **Basic Work Requirement:** Flexible work schedules are designed to assist employees in being more readily available to face the daily challenges of balancing family and work demands, volunteer activities and educational opportunities, as long as they meet the basic work requirement.
 - a. The basic work requirement for a full-time employee is 80 hours in a biweekly pay period.
 - b. Part-time employees have a 32- to 64-hour biweekly work requirement.
 - c. **FWS Options:** There are three work schedule options that employees, with their managers' approval, may select from:
 - **Flexitour:** This flexible work schedule allows an employee to select start and stop times within the flexible hours. Once selected, the hours are fixed until the agency provides an opportunity to select different starting and stopping times.
 - **Gliding Schedule:** For this option an employee has a basic work requirement of eight hours a day and 40 hours a week. The employee may select start and stop times each day within the established flexible hours.
 - **Maxiflex Schedule:** This option contains core hours on fewer than 10 workdays in the biweekly pay period, but the employee still has a basic work requirement of 80 hours during the biweekly pay period. The employee may vary the number of hours worked on a given workday or the number of hours worked each week during the pay period, within the limits established for the USMS, in order to accrue the required 80 hours.
 3. **Procedures**
 - a. **Application:** Employees must submit USM-398, Flexible Work Options Request Form to be considered for the Flexible Work Schedule Program.
 - b. **Temporary Duty Station Schedule:** When an employee who is covered by an FWS program is assigned to a temporary duty station using a different schedule-either

- traditional or alternate work schedule (AWS)--the USMS may either allow the employee to continue to use his or her regular flexible schedule or require the employee to change the schedule for that assignment site.
- c. **Overtime:** Overtime work in a flexible work schedule consists of hours that are officially ordered in advance and that exceed the basic work requirement for a workday or workweek.
- Overtime compensation applies to employees in law enforcement positions, who are covered under Law Enforcement Availability Pay (LEAP), and to employees who are not covered under LEAP.
 - The USMS may grant compensatory time off in lieu of overtime pay at the request of the employee under an FWS. Compensatory time may be granted for overtime hours that are regularly scheduled, irregular or occasional.
- d. **Night Pay:** Employees must receive night pay for hours they work between 6 p.m. and 6 a.m. to complete an eight-hour daily tour of duty. However, if an employee's regular work schedule includes eight or more hours during the day (between 6 a.m. and 6 p.m.) and he or she chooses to work at night (between 6 p.m. and 6 a.m.), that employee is not entitled to night pay.
- e. **Pay for Sunday Work:** An employee may not earn Sunday premium pay if he or she elects to work flexible hours on a Sunday. A full-time employee who performs regularly scheduled non-overtime work, a part of which is performed on Sunday, is entitled to Sunday premium pay for the entire daily tour of duty (not to exceed eight hours). A part-time employ employee is not entitled to Sunday premium pay for Sunday work.
- f. **Pay for Holiday Work**
- **No Work Performed:** Under an FWS program, a full-time employee who is not required to work an official holiday is entitled to his or her rate of basic pay for eight hours that day.
 - **Holiday Work**
 - 1) **Basic Pay:** On holidays a full-time Flexible Work Schedule (FWS) employee is limited to 8 hours of basic pay. A part-time FWS employee is entitled to basic pay for the number of hours scheduled for the holiday, not to exceed 8 hours. A full-time employee under an FWS program who performs non-overtime work
 - 2) **Holiday Premium Pay:** Holiday Premium Pay (equal to 100 percent of the rate of basic pay) is limited to not-overtime hours worked, not to exceed a maximum of 8 non-overtime hours per holiday.
- g. **Pay During Travel**
- Time spent in a travel status is considered to be hours of work only as provided in 5 CFR 550.112(g) or USC 5544 for FLSA exempt employees, and as provided in 5 CFR 550.112(g) or 5 USC 5544 and 5 CFR 551.422 for nonexempt employees.
 - Time spent traveling outside of regularly scheduled hours is not compensable in many cases. Therefore, agencies must determine what constitutes regularly scheduled work for employees covered by an FWS program when they travel as well as the number of corresponding hours for an employee on a non-workday.
 - The USMS may require an employee to follow a traditional fixed schedule (eight hours a day, 40 hours a week) during pay periods within which he or she is

traveling.

- h. **Excused Absence:** For employees on a flexible work schedule, the number of excused hours is equal to the number of hours regularly scheduled for a given workday.
- i. **Leave:** If an employee is absent from work during core hours on a regularly scheduled. Additionally, time off during an employee's basic work requirement must be charged to the appropriate leave category, compensated time off or to excused absence if warranted.
- j. **Tracking:** Tracking of Flexible Work Schedule employees will be done using computerized reports and tracking methods.

4. **Approval**

- a. Approving Officials will make a decision on requests for Flexible Work Schedule and inform the employee within 30 days.
- b. If a request is denied, the employee may address this through the U.S. Marshals Service Grievance process.

D. **Responsibility**

1. **Employee or Supervisor**

- a. Submit proposal for flexible work schedule.
- b. Complete and sign a USM-398, *Flexible Work Options Request Form*.

2. **United States Marshals (USM) Chief Deputy U.S. Marshals (CDUSM) Assistant Directors and General Counsel**

- a. Determine whether employee participation in the Flexible Work Schedule Program is conducive to accomplishment of the mission of the U.S. Marshals Service.
- b. Approve employee requests for participation in the program.
- c. Submit a completed Standard Form-52, Request for Personnel Action (SF-52) , to indicate the change to a flexible work schedule to the district or division staffing specialist in the Human Resources Division.

E. **Definitions**

- 1. **Alternate Work Schedule (AWS):** any work schedule with hours outside of the basic administrative workweek. This may include shift schedules, compressed workweek and flextime.
- 2. **Basic Work Requirement:** the number of hours, excluding overtime hours, an employee is required to work, or to account for, by charging leave, excused absence, holiday hours, compensatory time off or time off as an award.
- 3. **Compensatory Time Off:** time off to compensate for overtime work on an hour-for-hour basis in lieu of overtime pay. Compensatory time off derives from entitlement to pay for overtime work.
- 4. **Core Hours:** established hours within a specified tour of duty that an employee is required to work.
- 5. **Flexible Work Schedule:** schedule by which an employee can select and alter non-core work hours to better balance work, personal and family responsibilities.
- 6. **Full Time:** work schedule of 80 hours per pay period.

7. **Part Time:** work schedule that includes between 32 and 64 hours per pay period.

JOB SHARING

A. **Purpose:** This policy directive provides guidance to employees on the job-sharing program.

B. **Authority:** The Director's authority to supervise the United States Marshals Service (USMS) and establish personnel standards with approving authorities for personnel actions is set forth in 5 USC 3401; 28 USC 561(g); and 5 CFR 340.

C. **Policy:** The USMS has a formal job-sharing program for part-time employees.

1. **Approval**

- a. U.S. Marshals (USM), Chief Deputy U.S. Marshals (CDUSM), Assistant Directors and General Counsel are designated as approving officials.
- b. Job sharing is permitted at management's discretion.
- c. Approving Officials will make a decision on requests to Job Share and inform the employee within 30 workdays.
- d. If a request is denied, the employee may address this through the U.S. Marshals Service Grievance process.

2. **Eligibility**

- a. This program applies to all permanent USMS employees.
- b. Supervisors and managers are excluded from participating in the program.
- c. Employees must have completed at least 12 continuous months of service with the USMS at their full performance level, thereby demonstrating the ability to handle all duties of their positions.
- d. Employees must demonstrate the ability to work independently and with minimal supervision.
- e. Employees must have an acceptable rating for the past two rating cycles. Factors such as documented prior discipline, substantiated leave abuse and/or substantiated performance issues may prohibit participation in the program.
- f. **Employment Status**
 - Participants accept permanent part-time employment in accordance with the provisions of Department of Justice (DOJ) Order 1200.1 and share the duties of a full-time position. They will be considered part-time employees.
 - Employees in job-sharing positions will not be able to return to full-time positions, but they are eligible to compete for full-time openings in their district/division or another district/division.

3. **Procedures**

a. **Initiating Job Sharing**

- A proposal to job-share can come from a full-time employee, a part-time employee, two part-time employees or a supervisor who wants to consider filling a vacancy this way.

- Employees must complete and sign the USM-398, *Flexible Work Options Request Form*.
- The employee's supervisor must submit Standard Form-52, *Request for Personnel Action* (SF-52), indicating the change to job-sharing (part-time) status to the district/division staffing specialist in the Human Resources Division.

b. **Assignment and Evaluation**

- **Standards:** A job-sharing/part-time employee must meet the same firearms-qualification and fitness-assessment standards as a full-time operational employee.
- **Work Assignment:** A job-sharing/part-time employee should not be given work that can only be completed in full-time hours. DUSMs must continue to be assigned law enforcement duties to support their series.
- **Special Assignments:** Job-sharing/part-time employees will not be included in special assignment rotations.
- **Performance Goals:** Job-sharing/part-time employees will be given performance goals consistent with their assigned duties and will be evaluated according to the USMS performance evaluation process.
- **Use of Government Vehicle:** Job-sharing/part-time operational employees will not be assigned a government vehicle for home-to-work use.
- **Voluntary Reassignment for DUSMs:** Deputy U.S. Marshals (DUSM) are eligible for voluntary reassignment while in the program, but this does not guarantee that they will remain in a job-sharing/part-time status.
- **Promotions:** Employees are eligible to apply for promotions through the merit-promotion process while in the program. The employee must be aware that promotion does not guarantee continuation in a job-sharing/part-time status.

c. **Work Schedule**

- Each job-sharing team member will have a set tour of duty. For law enforcement employees, the schedule will consist of time in the office as well as time outside for field work.
- Participants will work 16-32 hours per week, with the difference from the required 40 hours to be completed by the sharing participant. Overtime rates apply only after eight hours a day for exempt employees or 40 hours a week for nonexempt employees. Non-overtime hours above those normally scheduled are paid at the basic rate.

d. **Employee Compensation**

- **Regular Pay:** Job-sharing/part-time employees will be paid on an hourly basis computed at the hourly rate for their grade and step. Job-sharing/part-time employees will continue to receive any applicable locality pay rate or special-pay adjustments for law enforcement officers.
- **Overtime:** Generally, if the job-sharing/part-time employee is required to work hours beyond those scheduled during a given week, the employee will be compensated at his/her regular hourly rate. If the hours exceed 40 per week or 80 per pay period, the part-time employee will receive overtime.

- **Law Enforcement Availability Pay (LEAP):** By signing a LEAP agreement, the job sharing/part-time DUSM is also confirming that he/she understands that LEAP will not be payable during the time that he/she works part time. When the job-sharing/part-time DUSM returns to full-time status, the DUSM's supervisor must ensure that the employee is certified to receive LEAP within the first pay period.
- **Night-differential and Holiday Pay:** Job-sharing/part-time employees are eligible for night-differential pay for any portion of their scheduled tours of duty that occur between 6 p.m. and 6 a.m. Job-sharing/part-time employees are also eligible for holiday pay if they work a holiday that falls on a regularly scheduled workday. Part-time employees are not eligible for Sunday premium pay due to federal part-time employment regulations.
- **Within-grade Increases:** Job-sharing/part-time employment has no effect on the waiting period for within-grade increases.

e. **Benefits**

- **Savings and Retirement**

Retirement: Job-sharing/part-time employees will accrue prorated retirement credit under the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS). Job-sharing/part-time employment will not affect an employee's retirement eligibility, only the computation of his/her annuity.

Thrift Savings Plan: Job-sharing/part-time employees may contribute to the thrift savings plan under the same rules as full-time employees. Contributions are based on actual earnings.

- **Insurance**

Medicare: Job-sharing/part-time CSRS employees will pay current rate based on their actual earnings for Medicare. Job-sharing/part-time FERS employees will pay the current rate based on their actual earnings for Medicare, Old Age, Survivors and Disability Insurance tax.

Health Insurance: Job-sharing/part-time employees will be eligible to continue in the Federal Employees Health Benefits Program (FEHBP) on a prorated basis. These employees will receive the same coverage as full-time employees but will pay a greater percentage of the premium because the government's share is prorated based on the number of hours the employee is scheduled to work each week. Even if the employee works additional hours during a pay period, the government's contribution will not increase in proportion to the additional hours worked unless the employee's scheduled work hours have been increased.

Life Insurance: Job-sharing/part-time employees are eligible to continue in the Federal Employees Group Life Insurance (FEGLI). The government's contribution to the life insurance premium is the same for job-sharing/part-time employees as for full-time employees. The amount of coverage is based upon the job-sharing/part-time salary.

- **Leave**

Annual leave is earned as follows:

-Less than three years- one hour for every 20 hours in a pay

status

-Three or more years, but less than 15 years of service one hour for every 13 hours in a pay status

-Fifteen or more years of service—one hour for every 10 hours in a pay status

Sick Leave: Sick leave is accrued at the rate of one hour for every 20 hours in a pay status.

- **Reduction in Force:** In a reduction in force, job-sharing/part-time employees compete separately from full-time employees. A job-sharing/part-time employee can compete only for other part-time jobs. Similarly, a full-time employee can be assigned only to a full-time position and cannot displace a job-sharing/part-time employee.
 - **Use of Office Space:** Job-sharing participants share the same work space.
- f. **Reporting:** Tracking of Job Sharing employees will be done using the USM-398, *Flexible Work Options Request Form* completed by the employee. Reports will be based on the use of these forms as well as requests for information from offices with Job Sharing employees.

4. **Responsibility**

a. **Employee**

- Initiates the request for enrollment in the job-sharing program by completing the USM-398, *Flexible Work Options Request Form*
- Ensures compliance with all eligibility requirements
- Demonstrates the ability to work in an unstructured environment and with minimal supervision

b. **Supervisor:** ensures that employees selected for job sharing can effectively work together without being detrimental to other employees.

5. **Definitions**

- a. **Job Sharing:** a particular kind of permanent part-time work in which one full-time job is divided between two employees, each of whom works an agreed portion of the job and shares responsibility for the total workload.
- b. **Tour of Duty:** the set hours an employee must complete each workday and workweek.

TELECOMMUTING

A. **Purpose:** This policy directive defines the parameters of the United States Marshals Service (USMS) telecommuting program.

B. **Authority:** The Director's authority to supervise the United States Marshals Service (USMS) and establish personnel standards with approving authorities for the personnel actions is set forth in 5 USC 3401; 28 USC 561(g); and 5 CFR 340.

C. **Policy:** This policy directive establishes a formal telecommuting program for all full-time employees of the USMS. Participation in the telecommuting program is voluntary. The telecommuting arrangement is not an employee entitlement, but an additional method the agency may approve to accomplish work.

1. **Approval**

- a. The granting of telecommuting is at management discretion.
- b. United States Marshals (USMS), Chief Deputy United States Marshals (CDUSMs), Assistant Directors, and General Counsel are designated as approving officials.
- c. Approving Officials will make a decision on requests to Telecommute and inform the employee within 30 workdays.
- d. If a request is denied, the employee may address this through the U.S. Marshals Service Grievance process.

2. **Eligible Employees**

- a. This program applies to all full-time employees of the USMS. Employees must have completed at least 12 continuous months of service with the USMS and be at their full performance level, thereby demonstrating the ability to function in all duties of their position.
- b. Employees must have an acceptable rating for the last two rating cycles. Factors such as documented prior discipline, substantiated leave abuse, and/or substantiated performance issues may prohibit participation in the program.
- c. **Eligible Job Positions:** The employee's position must not require the removal of sensitive documents or case files from the USMS-controlled office space in order to perform the duties of the position in a telecommuting environment. For purposes of this directive, telecommuting can be conducted from the employee's home or an authorized telecenter.
- d. **Duty Hours**
 - Employees requesting participation must be available to work during the assigned duty hours.
 - Employees are prohibited from conducting personal business while in official duty status at the alternate workplace. For example, employees may not care for dependents or make home repairs during scheduled telecommuting duty hours. Employees will be charged leave as usual if they must conduct personal business during duty hours.

D. **Procedures**

1. **Initiating Participation in the Program:** Employees must complete the USM-398, *Flexible Work Options Request Form*, which is available on the intranet.

2. **Approval Process**

- a. All requests will be approved by the CDUSM or the appropriate official, with the concurrence of the USM, Assistant Director/Division Director, or General Counsel.
- b. The following factors will be considered in the approval process:
 - The USMS mission;
 - Availability of funds to provide equipment set-up.
 - The suitability of the work for a telecommuting environment;

- Customer service and security requirements;
 - The employee's organizational skills, ability to work independently with little supervision, and level of self-discipline.
- c. If the request for participation in the telecommuting program is approved, the supervisor and the employee must complete the USM-399, *Telework Request Form*, which is on the intranet.
- d. Upon final approval, the district/division will forward a *Standard Form-52, Request for Personnel Action (SF-52)* to its Staffing Specialist in the Human Resources Division. The employee's alternate duty station and the hours of duty must be indicated in Part A. 1. ("Actions Requested") on the form.
3. **Administrative Management**
- a. The employee's regular office will remain as the official duty station as it relates to pay, leave, and travel entitlements.
- b. Telecommuting employees are eligible for overtime pay, provided that the hours worked were pre-approved by the supervisor.
- c. Terminating Participation in the Program: The USMS or the employee has the option to terminate the telecommuting agreement at any time. Following notice that the agreement will be terminated, a reasonable time will be given to allow the employee to relocate to the office.
4. **Reporting:** Tracking of telecommuting employees will be done using the USM-399, *Telework Request Form* completed by the employee. Reports will be based on the use of these forms as well as requests for information from offices with Telecommuting employees.

E. Responsibilities

1. **Employee**
- a. Demonstrate self-motivation, independence, and dependability in accomplishing work assignments.
- b. Request annual leave in advance and notify the supervisor as soon as possible of the need to take emergency sick leave for self or a family member.
- c. Care for and safeguard all government equipment.
- d. Use the appropriate security safeguards, such as passwords or locking devices, to ensure that unauthorized users do not have access to government material.
- e. Check voice-mail and e-mail periodically throughout the workday and respond to messages in a timely manner.
2. **Timekeeper:** The employee's timekeeper must maintain a copy of the employee's work schedule.
3. **Supervisor**
- a. Measure what the employee accomplishes by examining the product or results of the employee's efforts. Certify, bi-weekly, the time and attendance for hours worked at the regular office and at the alternative workplace.
- b. Require the employee to report to the official duty station for meetings, training, or other operational needs.

4. **District/Division**

- a. Provide government-owned equipment or purchase the necessary equipment to facilitate the telecommuting arrangement.
- b. Provide for the maintenance and repair of all government-owned equipment provided to the employee.
- c. Ensure that Limited Official Use (LOU) information is protected and safeguarded.

F. **Definitions**

1. **Telecommuting:** Telecommuting is working away from the traditional office.
2. **Flexiplace:** Flexiplace was the term used for the work-at-home pilot project conducted by OPM. The term telecommuting replaces Flexiplace.
3. **Limited Official Use:** Limited Official Use information is unclassified information of a sensitive, proprietary, or personally private nature which must be protected against release to unauthorized individuals. This term is prescribed for use within the Department of Justice and the USMS.

TEMPORARY, PART-TIME EMPLOYMENT

- A. **Purpose:** This policy directive establishes a formal part-time program for all employees of the USMS and defines the parameters of the program. The program is designed to assist employees who have a temporary need for part-time employment.
- B. **Authority:** The Director's authority to supervise the United States Marshals Service (USMS) and establish personnel standards with approving authorities for the personnel actions is set forth in 5 USC 3401; 28 USC 561(g); and 5 CFR 340.
- C. **Policy:** The USMS hereby establishes a formal part-time program. Participation in part-time employment is voluntary.
 1. **Approval**
 - a. The granting of part-time employment is at management's discretion.
 - b. United States Marshals (USM), Chief Deputy United States Marshals (CDUSM.), Assistant Directors, and General Counsel are designated as approving officials.
 - c. Approving Officials will make a decision on requests for Temporary Part Time Employment and inform the employee within 30 workdays.
 - d. If a request is denied, the employee may address this through the U.S. Marshals Service Grievance process.
 2. **Eligibility Requirements**
 - a. This program applies to all permanent full-time employees of the United States Marshals Service (USMS).
 - b. Supervisors and managers of the USMS are excluded from participating in the program.
 - c. Employees must have completed at least 12 continuous months of service with the USMS and be at their full performance level, thereby demonstrating the ability to function in all duties of their position.
 - d. Employees must also demonstrate the ability to work independently and with minimal supervision.

- e. Employees must have an acceptable rating for the last two rating cycles. Factors such as documented prior discipline, substantiated leave abuse, and/or substantiated performance issues may prohibit participation in the program.

3. **Initiating Enrollment in the Part-Time Program**

- a. An employee requests participation in this program must complete and sign a USM-398, *Flexible Work Options Request Form*. The completed form must be submitted to the CDUSM or the Branch Chief as a request to enter into the program. The application must state the reason(s) for entry into the program and demonstrate that the employee meets all the qualifications. The employee must indicate the number of hours per week he/she intends to work and describe a proposed biweekly schedule. The requesting employee should also indicate the manner in which current assignments will be accomplished and any impact that entry into the program may have on the office.
- b. Participation will be primarily based on the ability of the district or division to accommodate a request and the ability of the employee to meet each eligibility requirement. Upon final approval, the district/division must forward to its Staffing Specialist in the Human Resources Division a *Standard Form-52, Request for Personnel Action (SF-52)*, indicating the change in the employee's work status.

4. **Assignment and Evaluation**

- a. **Standards:** Part-time operational employees will be required to meet the same firearms qualification and fitness assessment standards that full-time operational employees are required to fulfill.
- b. **Work Assignment:** Sound management practice dictates that part-time employees receive work that does not require the employees to work full-time to achieve successful completion. It is the responsibility of district/division management to make assignments using creativity and resourcefulness. DUSMs must continue to be assigned law enforcement type duties to support their series.
- c. **Special Assignments:** Part-time employees will not be included in Special Assignments Rotations.
- d. **Performance Goals:** Part-time employees will be assigned performance goals consistent with their assigned duties and will be evaluated according to the current USMS performance evaluation process.
- e. **Use of Government Vehicle:** Part-time operational employees will not be assigned a government vehicle for home-to-work use.
- f. **Voluntary Reassignment for DUSMs:** Deputy U.S. Marshals (DUSM) are eligible for voluntary reassignment while in the program. Although a DUSM is eligible for reassignment, this does not guarantee that the employee will remain in a part-time status after the reassignment.
- g. **Promotions:** Employees are eligible to apply for promotions through the merit promotion process while in the program. The employee must be aware that promotion does not guarantee continuation in a part-time status.

5. **Employee Compensation**

- a. **Regular Pay:** Part-time employees will be paid on an hourly basis computed at the hourly rate for their grade and step. Part-time employees will continue to receive any applicable locality pay rate or special pay adjustments for law enforcement officers.
- b. **Overtime:** Generally, if the part-time employee is required to work hours in addition to the hours scheduled during any given week, the employee will be compensated at his/her

- regular hourly rate. If the hours exceed 40 hours per week or 80 hours per pay period, the part-time employee will receive overtime pay.
- c. **Law Enforcement Availability Pay (LEAP):** By signing the USM-398, *Flexible Work Options Request Form*, the part-time DUSM is also confirming that he/she understands that LEAP will not be payable during the time that he/she works part-time. When the part-time DUSM returns to full-time status, the DUSM's supervisor must ensure that the DUSM is again certified to receive LEAP within the first pay period.
- d. **Night Differential and Holiday Pay:** Part-time employees are eligible for night differential pay for any portion of their scheduled tour of duty which occurs between 6:00 p.m. and 6:00 a.m. Part-time employees are also eligible for holiday pay if the holiday falls on a regularly scheduled workday and the employee does perform work. Part-time employees are not eligible for Sunday premium pay due to federal part-time employment regulations.
- e. **Within-Grade Increases:** Part-time employment has no effect on the waiting period for within-grade increases

6. **Benefits**

a. **Retirement and Thrift Savings Plan:**

- **Retirement:** Each year of part-time service counts as one full year toward the length of service requirement but is prorated for purposes of the annuity calculation. For the annuity calculations under Federal Employees Retirement System (FERS) rules, all part-time service is prorated. For the annuity calculations under Civil Service Retirement System (CSRS) rules, part-time service performed on or after April 7, 1986, is prorated.
- **Thrift Savings Plan:** Part-time employees may contribute to the Thrift-Savings Plan under the same rules as full-time employees. CSRS employees may contribute five percent of their salary, and FERS employees may contribute ten percent of their salary. Contributions are based on actual earnings.

b. **Insurance**

- **Medicare:** Part-time CSRS employees will pay 1.45 percent (or current rate) of their actual earnings for Medicare tax. Part-time FERS employees will pay the current rate based on their actual earnings for Medicare tax, Old Age, Survivors and Disability Insurance tax.
- **Health Insurance:** Part-time employees will be eligible to continue participation in the Federal Employees Health Benefits Program (FEHBP) on a prorated basis. The part-time employee will receive the same coverage as full-time employees but will pay a greater percentage of the premium because the Government's share is prorated based on the number of hours the employee is scheduled to work each week. Note that even if the employee works additional hours during a pay period, the Government's contribution would not be increased in proportion to the additional hours worked unless the employee's scheduled work hours have been increased.
- **Life Insurance:** Part-time employees are eligible to continue their enrollment in the Federal Employees Group Life Insurance (FEGLI). The Government's contribution to the life insurance premium is the same for part-time employees as for full-time employees. The amount of the life insurance coverage is based upon the part-time salary.

c. **Leave**

- **Annual Leave:** Annual leave is earned as follows:
 - Less than three years- one hour for every 20 hours in a pay status;
 - Three or more years, but less than 15 years of service- one hour for every 13 hours in a pay status;
 - Fifteen or more years of service-- one hour for every ten hours in a pay status.
 - **Sick Leave:** Sick leave is earned at the rate of one hour for every 20 hours in a pay status.
- d. **Reduction in Force:** In a reduction in force, part-time employees compete separately from full-time employees. A part-time employee can compete only for other part-time jobs and has no assignment right to a full-time position. Similarly, a full-time employee has an assignment right only to a full-time position and cannot displace a part-time employee.
- e. **Length of Participation:** Employees must request entrance into the program for a minimum of three months. They are permitted to remain in the program for a maximum career total of five years. An employee is not restricted to one term in the program. After returning to full-time employment, an employee may reapply for acceptance into the program for another term of part-time employment.
- f. **Cancellation of Program Participation:** Employees accepted into this program must realize that despite their circumstance, management may require the employee to return to work on a full-time basis. The employee must sign a stipulation acknowledging this possibility upon acceptance into the program. The change in status must be the result of a change in office resources and circumstances that necessitates the employee's services on a full-time basis. This includes immediate, temporary return to full-time status as a result of operational emergencies. Office circumstances that necessitate an indefinite return to full-time status will be conveyed to the employee at least 30 days in advance so that other arrangements may be made to deal with the situation that necessitated a request for part-time employment. The employee must be advised in writing of the reason(s) for the change in employment status. Appeals of this determination will be handled through the USMS grievance/EEO procedures.
- g. **Outside Employment:** Requests for outside employment will be handled in accordance with current USMS policy.
- h. **Complement:** A full-time equivalent (FTE) position is based on the number of hours worked in a week. One full-time employee is required to work at least 40 hours per week. If a district/division allows an employee to enter into part-time status, the district/division will be required to supplement the hours the employee is unavailable with existing workforce or through the use of contract employees hired with workplan funds. No additional funds will be given to supplement the part-time program. However, should the district/division choose to allow two employees to participate in the program, the district/division has the option to backfill a full-time position, thus creating a job-share position for the two employees.
7. **Responsibility**
- a. **Employees:** Responsible for initiating a request for conversion to part-time status. The following steps must be completed to initiate the request:
- Ensure that they meet eligibility requirements before requesting conversion to part-time status,
 - Complete a USM-398, *Flexible Work Options Request Form*,

- Propose their work schedule and indicate how their work will be accomplished.
 - b. **District or Division Office:** Responsible for approving and implementing part-time status requests. The following measures comprise the responsibility:
 - Determine the District/Division's ability to accommodate the request,
 - Forward SF-52, *Request for Personnel Action* to the district/division staffing specialist in the Human Resources Division;
 - Coordinate a job-share position if two employees participate to fill a single full-time equivalent position;
 - If necessary, supplement vacant hours when the employee is not available through use of existing workforce or use of contract employees.
 - c. **CDUSM/Manager:** Responsible for requiring the employee to return to work full-time to respond to operational emergencies or to accommodate a change in office needs.
8. **Definitions**
- a. **Full-time:** A work schedule of 80 hours per pay period.
 - b. **Part-time:** A work schedule of 32-64 hours per pay period.
9. **Reporting:** Tracking of Temporary Part Time Employees will be done using the USM-398, *Flexible Work Options Request Form* completed by the employee. Reports will be based on the use of these forms as well as requests for information from offices with Temporary Part Time employees.

VOLUNTARY LEAVE TRANSFER PROGRAM

- A. **Purpose:** This policy outlines the requirements and procedures of the Voluntary Leave Transfer Program (VLTP), including instructions for applying for the VLTP and donating annual leave under the VLTP.
- B. **Authority:** The authority for the Voluntary Leave Transfer Program is set forth in 5 CFR 630, *Absence and Leave*, and 5 USC 63.
- C. **Policy:** It is the policy of the U.S. Marshals Service (USMS) to operate a Voluntary Leave Transfer Program (VLTP) that allows employees to donate annual leave to another employee who is in need of leave due to a medical emergency.

1. Program Requirements

- a. **Medical Emergency:** In order to receive leave under the VLTP, an employee must be in need of leave due to a medical emergency that is likely to require absence from duty for at least 24 hours (or in the case of a part-time employee or an employee with an uncommon tour of duty, at least 30 percent of the average number of hours of work in the employee's biweekly scheduled tour of duty) and that results in a substantial loss of income to the employee because of the unavailability of paid leave. The 24 hours of unpaid absence need not be consecutive.
- b. **Leave Balance Requirements for Recipients:** All approved leave recipients must have annual and sick leave balances of zero (or negative) prior to the official transfer of donated annual leave. Full-time employees whose medical emergency is that of a family member are also required to use 40 hours of their sick leave regardless of the remaining sick leave balance. In addition, they are required to use up to a total of 12 weeks of their

- sick leave. These amounts are prorated for part-time employees or employees with an uncommon tour of duty.
- c. **Coercion:** No employee may directly or indirectly intimidate, threaten, coerce, or otherwise influence another employee's decision to donate (or not donate) leave.
 - d. **Donation of Annual Leave:** There is no provision for the donation of sick leave. Donated leave must be in full hour increments. An employee may donate whichever is the lesser of the following: the donor's accrued annual leave balance, one-half of the annual leave the donor will accrue during the current leave year, or the number of "use or lose" hours remaining in the leave year (as of the date of transfer) that the donor is scheduled to work and receive pay.
 - e. **Exceptions to Limitations:** The limitations above may be waived under the following circumstances with written documentation:
 - The donor is a member of the recipient's family;
 - The donor has a leave balance of at least 150 hours prior to the donation;
 - The donor wishes to donate more than the limits and will still have at least 40 hours of annual leave after the donation; or
 - If acceptance of the donation furthers the purpose of the VLTP.
 - f. **Donations are Irrevocable:** The decision to donate annual leave is irrevocable once the donation has been processed by the timekeeper.
 - g. **Interagency Donations:** Donations from employees of other federal agencies will be accepted for a USMS recipient when: a family member wishes to donate to an approved leave recipient, the recipient does not have enough donated leave to cover the medical emergency, or acceptance of leave from other agencies would further the purpose of the VLTP.

USMS employees may also donate to other federal agencies. Employees wishing to make a donation to another agency should contact the USMS Leave Sharing Program Coordinator for the required form, OPM Form 630-B, *Request To Donate Annual Leave to Leave Recipient Under The Leave Transfer Program (Outside Agency)*. The donor must complete and send the 630-B to the USMS Leave Sharing Program Coordinator, who will coordinate the leave donation with the other agency. The donor must provide the name and phone number of the Leave Sharing Program Coordinator in the recipient's agency.
 - h. **Restriction on Donations to Supervisors:** An employee may not donate leave to his or her immediate supervisor.
 - i. **Deadline for Use or Lose Leave:** Donations of "use or lose" leave should be submitted to the Leave Sharing Program Coordinator no later than December 1 of the current year.

D. Procedures

1. **Application for Donations:** The applicant (or a personal representative designated by the employee) completes a USM-562, *Voluntary Leave Transfer (VLTP) and Voluntary Leave Bank (VLBP) Recipient Application*, and submits it to the Leave Sharing Program Coordinator with the required medical documentation. With the concurrence of the approved leave recipient, pertinent information will be publicized when necessary to obtain leave donations.
2. **Donations:** USM 563, *Voluntary Leave Transfer Program Donation Form*, is completed by leave donors and submitted to the Leave Sharing Program Coordinator. Before submitting the form, the leave donor must provide the form to his or her timekeeper. The timekeeper must keep a

copy of the form for donor's leave records, and lower the employee's annual leave balance by the number of hours donated. The timekeeper must sign the USM-563 to certify that the leave balance has been lowered. After the USM-563 is signed by the timekeeper, the donor is responsible for faxing or mailing it to the Leave Sharing Program Coordinator. However, if the form is faxed, do not mail the original. This causes duplication and the leave donation may be subtracted twice. A new donor form must be submitted each time a donor decides to donate additional leave.

3. **Termination of Application:** The recipient completes USM-564, *Termination of Medical Emergency Under the Voluntary Leave Transfer Program*, and forwards to the Leave Sharing Program Coordinator at the end of the medical emergency.

4. **VLTP Records**

- a. Districts/divisions with approved leave recipients and/or donors must maintain records documenting participation in the program. The timekeeper of a recipient or donor will maintain the memos from the Leave Sharing Program Coordinator concerning leave donations for the time and attendance records.
- b. The Employee Relations Branch will maintain records on the overall administration of the program including the number of applications approved for medical emergencies for employees and for an employee's family member, the grade/pay level of each leave recipient and donor, the gender of each leave recipient, and the total amount of donated annual leave used by each leave recipient.
- c. VLTP Records must be maintained and safeguarded in accordance with the Privacy Act.

5. **Use of Donated Leave**

- a. Use of donated annual leave by approved recipients is subject to the conditions set forth below:
 - Donated annual leave may be used **only** in connection with the medical emergency for which it was approved.
 - Leave Without Pay (LWOP) may be used if approved by the recipient's supervisor for other reasons.
 - Donated annual leave may be substituted retroactively to repay periods of LWOP or advanced annual or sick leave granted on or after the date of the medical emergency. Repayments are possible only if the LWOP, or advanced annual or sick leave was used in connection with the approved medical emergency. Repayment is done in cases where the recipient has not used all the donated leave at the time the medical emergency terminates.
 - If a period of LWOP is repaid using donated leave remaining at the end of the medical emergency, the LWOP will be paid at the rate of basic pay in effect at the time the LWOP was used.

6. **Termination of the Medical Emergency**

- a. An employee's eligibility for participation in the Voluntary Leave Transfer Program ceases under the following conditions:
 - The recipient's federal service is terminated.
 - At the end of the biweekly pay period in which written notice is received from the recipient or a personal representative that the recipient is no longer affected by a medical emergency.

- At the end of the biweekly pay period in which the leave recipient's employing agency determines, after written notice to the recipient from the agency and an opportunity for the leave recipient or personal representative to answer orally or in writing, that the leave recipient is no longer affected by a medical emergency.
- At the end of the biweekly pay period in which notice is received that the Office of Personnel Management has approved an application for disability retirement for the leave recipient.

E. Responsibilities

1. USMS Leave Sharing Program Coordinator, Human Resources Division

- a. Ensures all application forms are correct and complete before providing them to the VLTP screening committee. Processes leave donation forms and all paperwork associated with the VLTP case.
- b. Notifies the recipient of the VLTP screening committee's decision within 10 work days after the receipt of the application. If the application has been disapproved, the letter will explain the reasons for disapproval.
- c. Establishes an appropriate follow-up system to ensure that an employee's medical emergency still exists. The supervisor and the Leave Sharing Program Coordinator will require the periodic submission of supporting documentation by the employee if his or her medical emergency continues longer than the original medical document indicates.
- d. Initiates action to inform leave recipients of termination in the program when their eligibility for program participation ceases.
- e. Provides guidance regarding the administration of the Voluntary Leave Transfer Program and applicable Federal and Department of Justice regulations.
- f. Maintains the records of the VLTP Program.

2. VLTP Screening Committee

- a. Reviews requests for participation in the VLTP, ensuring that all criteria for program participation are met. Approves or disapproves requests and informs the Leave Sharing Program Coordinator of its determinations. Decisions of the VLTP screening committee will be based on a majority vote.
- b. In coordination with the recipient's supervisor, the VLTP screening committee may terminate a recipient's participation in the VLTP when it is determined from medical documentation that the affected employee will not be able to return to duty and disability retirement and/or Workers Compensation should be pursued.

3. Supervisors

- a. May deny use of donated leave, provided that the denial is consistent with applicable law and regulations.
- b. Monitor and ensure the appropriate use of donated leave. Notify the Leave Sharing Program Coordinator of new circumstances or conditions that might impact employee eligibility for participation in the program. Coordinate with the VLTP screening committee to terminate a recipient's participation in the VLTP when it is determined from medical documentation that the affected employee will not be able to return to duty and disability retirement and/or Workers Compensation should be pursued.
- c. Maintain accurate leave records.

4. **Donors:** Responsible for sending their USM-the USM-563 donor forms directly to the Leave Sharing Program Coordinator. Before submitting the form, the leave donor must provide the form to his or her timekeeper. The timekeeper must keep a copy of the form for the donor's leave records, and lower the employee's annual leave balance by the number of hours donated. The timekeeper must sign the USM-563 to certify that the leave balance has been lowered. After the USM-563 is signed by the timekeeper, the donor is responsible for faxing or mailing it to the Leave Sharing Program Coordinator. However, if the form is faxed, do not mail the original. This causes duplication and the leave donation may be subtracted twice. A new donor form must be submitted each time a donor decides to donate additional leave.
5. **Leave Recipients**
 - a. Responsible for submitting complete application forms and medical documentation.
 - b. Keep the Leave Sharing Program Coordinator informed of changes in their medical situation, and submit updated medical documents if the medical emergency lasts longer than the original medical document indicates.
 - c. Complete USM-564, *Termination of Medical Emergency under the Voluntary Leave Transfer Program*, and provide it to the Leave Sharing Program Coordinator when the medical emergency terminates.
6. **Timekeepers:** Timekeepers are responsible for lowering annual leave balances of donors, and for the day to day timekeeping for the leave recipients using the following time and attendance information.
 - a. **Accruals of Annual and Sick Leave:** If a recipient uses donated leave for an entire pay period, he or she will accumulate annual and sick leave at the same rate as if in a paid leave status. Recipients can accumulate a maximum of 40 hours of annual leave and 40 hours of sick leave. A part-time employee or an employee with an uncommon tour of duty will accumulate leave up to the average number of hours of work in the recipient's weekly scheduled tour of duty. This accumulated leave will be credited for use by the employee after the medical emergency terminates.

In order to ensure that the 40-hour limits are not exceeded, the timekeeper must switch off the annual and sick leave accruals in the PC-TARE System and switch them back on after termination of the medical emergency. This is accomplished by entering a "0" in the leave accrual rates in the recipient's STAR Master Record. Separate manual records must be maintained by the timekeeper on accruals until the medical emergency is terminated, and then leave up to the limitations can be credited to the employee's regular annual and sick leave accounts. The limitation on sick leave accrual during transferred leave status applies even for cases where the recipient's medical emergency is a medical condition of his or her family member.
 - b. **Leave Adjustments:** The Leave Sharing Program Coordinator will send a memo to timekeepers to document leave adjustments when they receive donations. If an employee does not use all of the donated leave, and prorated leave must be returned to donors, the Leave Sharing Program Coordinator will send a memo to explain how to return the leave. Upon receipt, timekeepers should follow the instructions in the memos for adjusting employee leave balances.
 - c. **Timekeeper's Signature on USM-563:** When an employee donates leave under the VLTP, the donor will provide the timekeeper with the USM-563. The timekeeper will sign the USM-563 to show that he or she will lower the annual leave balance by the number of hours donated during the next time and attendance transmission. Make a copy of the form for the donor's leave records and return the original to the donor. The donor is responsible for sending the form to the Leave Sharing Program Coordinator.

F. **Definitions**

1. **Medical Emergency:** A medical emergency could be a serious medical problem of the

- employee or a member of the employee's family (i.e., spouse and parents thereof; children, including adopted children, and spouses thereof; parents; brothers and sisters, and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship).
2. **Agency:** An executive agency as defined in 5 USC 105; a military department, as defined in 5 USC 102; or any other entity of the Federal Government that employs officers or employees to whom 5 USC 63 applies.
 3. **Employee:** An officer or individual who is appointed in the civil service in accordance with the provisions of 5 USC 6301(2), excluding an individual employed by the District of Columbia, and who is covered by Chapter 63 of the leave regulations.
 4. **Leave donor:** An employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient has been approved by his or her own employing agency.
 5. **Leave recipient:** A current employee for whom the USMS (or other employing agency) has approved an application to receive annual leave from the annual leave accounts of one or more leave donors.
 6. **Medical Emergency:** A medical condition of an employee or a family member that is likely to require an employee's absence from duty for at least 24 hours (or in the case of a part-time employee or an employee with an uncommon tour of duty, at least 30 percent of the average number of hours of work in the employee's biweekly scheduled tour of duty) and to result in a substantial loss of income to the employee because of the unavailability of paid leave. A normal pregnancy without complications is covered by the program. However, only the period of incapacitation or recovery indicated in the doctor's letter may be covered by the VLTP. Additional time for bonding with the child is not covered.
 7. **VLTP Screening Committee:** The committee responsible for reviewing and acting upon requests for approval of employees as leave recipients in cases of medical emergencies. It consists of three members, all of whom are USMS employees, to be appointed by the Employee Relations Branch Chief.

G. Restoration of Donated Annual Leave to Donors

1. Any donated annual leave remaining to the credit of a leave recipient when the medical emergency terminates shall be restored to the leave donors by the Leave Sharing Program Coordinator.
2. **Minimum restorations:** The minimum amount of leave that can be restored to a leave donor is one (1) hour. Additional amounts will be in full hour increments.
3. **Formula for restorations:** The amount of unused donated annual leave to be restored to each leave donor who is still employed in a federal agency, and subject to Chapter 63 of the leave regulations, on the date of the leave restoration shall be determined as follows:
 - a. Divide the number of hours of unused donated annual leave by the total number of hours of annual leave donated to the leave recipient;
 - b. Multiply this ratio by the number of hours of annual leave donated by each leave donor eligible for restoration; and
 - c. Round the result to the nearest full hour.

If the total number of eligible leave donors exceeds the total number of hours of annual leave to be restored, no unused donated annual leave will be restored.

4. This calculation will be the responsibility of the Leave Sharing Program Coordinator, who will provide the information to the donors and timekeepers.

5. If the leave donor is no longer employed by a federal agency before the unused donated annual leave can be restored, the leave will not be restored to the donor.
6. If annual leave is to be restored, the leave donor may choose to have it restored in one of the following ways: crediting the restored annual leave to the donor's annual leave account in the current leave year or the following leave year; or donating the leave in whole or in part to another leave recipient.
7. If the leave donor chooses to donate only part of the restored leave to another leave recipient, the donor may choose to have the remaining leave restored to their annual leave account in the current or the following leave year.
8. Donated annual leave restored to a leave donor will be subject to the 240 hour maximum annual leave accumulation limitation at the end of the leave year in which the restored leave is recredited to their annual leave account.

VOLUNTARY LEAVE BANK PROGRAM

- A. **Purpose:** Sets forth procedures for employees to donate annual leave to other employees experiencing a medical emergency.
- B. **Authority:** The authority for the Voluntary Leave Bank Program is set forth in 5 CFR 630, Absence and Leave, and 5 USC 63.
- C. **Policy:** It is the policy of the USMS to coordinate membership of its employees who wish to participate in the Leave Bank. The Voluntary Leave Bank Program is managed by the Department of Justice, but the contact point for all U.S. Marshals Service (USMS) employees is the USMS Leave Sharing Program Coordinator, Human Resources Division, Employee Relations Branch.
 1. The Leave Bank provides income protection for employees who encounter a medical emergency for themselves or a family member which would cause them to be in a Leave Without Pay (LWOP) status. Membership in the Leave Bank does not automatically entitle an employee to leave from the Leave Bank. The Leave Bank Board makes their decisions based on the medical documentation provided. Employees may receive emergency leave through both the Leave Bank and the Voluntary Leave Transfer Program for the same medical emergency. Under the Leave Bank, members have a central bank of leave to draw upon in time of need. Donors can give annual leave either to the general fund or to specific recipients. The Leave Bank is administered by a three member Leave Bank Board at the Departmental level. The Leave Bank Board consists of two members designated by the Assistant Attorney General for Administration, and one member designated by a labor organization. All members of the Leave Bank Board have back-ups.
 2. **Leave Bank Members**
 - a. To become a member of the Leave Bank, an employee must donate the minimum contribution of annual leave established each year by the Leave Bank during an open enrollment period. The Leave Bank Board will establish at least one open enrollment period each year. Usually the open enrollment period is at the end of the leave year, and will last at least 30 calendar days. Employees who wish to remain Leave Bank members must donate annual leave **each** year during the open enrollment period. It is not a one-time membership fee. Individual enrollment periods are established on an individual basis for employees who are unavailable during the open enrollment periods. Examples would be new employees who enter on duty, transfer in from other agencies, or current employees returning from extended leave following an open enrollment period.
 - b. The minimum contribution of annual leave required to become a Leave Bank member, and the maximum contribution within a leave year, depend on the contributing employee's years of service. The Leave Bank Board may raise or lower the minimum fee at its discretion to meet the needs of the Leave Bank membership. All membership

contributions will be deposited in the Leave Bank. They may not be designated to a recipient.

The maximums are shown in the table below for reference. The minimum contribution may be changed by the Leave Bank Board as needed. It is usually the amount earned in one or two pay periods.

Years of Service	Maximum Yearly Contribution (Without waiver)
0-3	52
3-15	80
15+	104

3. **Leave Bank Recipients**

- a. Only a Leave Bank member experiencing a medical emergency may apply to become a Leave Bank recipient. An applicant must be a member of the Leave Bank at the time of the medical emergency in order to apply to become a Leave Bank recipient.
- b. If an employee is incapable of making application, a personal representative may make written application on his or her behalf. To the extent possible, information in each application will be treated confidentially by those involved in administering the program.
- c. The completed application may be submitted to the USMS Leave Sharing Program Coordinator at any time during a medical emergency, or before an absence that is expected to occur as a result of a medical emergency (e.g., surgery scheduled after a physical examination that will require an extended recuperative period). However, completed applications must be received no later than 45 working days following the termination of a medical emergency. The applicant must be a Leave Bank member, or must qualify for an individual enrollment period, at the time the application is submitted.
- d. These time limits may be waived in individual cases, provided the applicant or his or her representative requests a waiver in writing. The request must describe the situation which prevented the timely submission of the application and why it was beyond the applicant's control. The final decision on such requests rests solely with the Leave Bank Board.
- e. Applicants will receive written notification of the action taken on the application within 10 working days following receipt of the completed application.

4. **Program Requirements**

- a. **Medical Emergency:** In order to request emergency leave from the Leave Bank, a Leave Bank member must have a medical emergency. A medical emergency is limited to a medical condition of an employee or a family member that is likely to require an employee's absence from duty for at least 24 hours (or in the case of a part time employee or an employee with an uncommon tour of duty, at least 30% of the average number of hours of work in the employee's biweekly scheduled tour of duty) and to result in a substantial loss of income to the employee because of the unavailability of paid leave. The 24 hours of unpaid absence need not be consecutive.

A medical emergency could be a serious medical problem of the employee or a member of the employee's family (i.e., spouse, and parents thereof; children, including adopted children, and spouses thereof; parents; brothers and sisters, and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship).

- b. **Leave Balance Requirements for Recipients**

For an approved leave recipient whose medical emergency is a medical condition of his

or her own, the annual and sick leave balances must be zero (or negative) prior to the official transfer of emergency leave.

For an approved leave recipient whose medical emergency is a medical condition of a family member, the annual leave balance must be zero (or negative) prior to the official transfer of emergency leave. A full time employee is also required to use up to a total of 12 weeks of his or her sick leave. For a part time employee or an employee with an uncommon tour of duty, these amounts are prorated.

D. Procedures

1. Application for Membership

- a. The OPM-71, *Request for Leave or Approved Absence*, is used as the application for membership for the Leave Bank. The membership fee for one year is set by the Leave Bank Board each year.
- b. Submit the OPM-71 to the USMS Leave Sharing Program Coordinator during an open enrollment period.
- c. Employees may contribute extra hours beyond the basic membership fee to the Leave Bank. This type of contribution may be made at any time during the year. However, if contributions are outside an open or individual enrollment period, the contribution will not entitle the employee to membership in the Leave Bank.
- d. Employees may contribute regular annual leave or restored annual leave to join the Leave Bank, and either type of annual leave may be contributed to a specific recipient. Use the "Remarks" section of the OPM-71 to request that the contribution be deducted from the restored leave account and/or to designate the donation to a specific recipient. If the employee to whom leave is designated no longer has a medical emergency, the unused leave is restored to the Bank, not to the donor.

2. Limitations on Contributions

- a. Employees may contribute annual leave to any approved leave recipient, except his or her immediate supervisor.
- b. Annual leave may not be contributed before it is earned.
- c. The maximum amount of annual leave that can be contributed in one leave year is the lesser of the following:
 - The donor's accrued annual leave balance.
 - One half of the annual leave the donor will accrue during the current leave year. (52 hours for employees earning 4 hours of annual leave a pay period, 80 hours for employees earning 6 hours, and 104 hours for employees earning 8 hours.)
 - Or for "use or lose" leave, 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. For example, if an employee is projected to forfeit 80 hours and there are only 5 working days left in the leave year, the maximum number of hours he or she can contribute is 40. The other 40 hours will be forfeited. This constraint only becomes a problem when employees wait until very late in the leave year to make a contribution.

Employees may request a waiver of the limitation on contributing annual leave. Any such request must be documented in writing and submitted to the USMS Leave Sharing Program Coordinator.

3. **Application for Emergency Leave:** Submit a USM-562, *Voluntary Leave Transfer (VLTP) and Voluntary Leave Bank (VLBP) Recipient Application*, to the USMS Leave Sharing Program Coordinator. The application must include the required medical documentation.

4. **Leave Bank Procedures**

- a. All Leave Bank contributions, whether contributed for individual membership or to a specific leave recipient, will be deposited into the Leave Bank. The Leave Bank Board will not return a contribution to a contributor once it has been received by the Leave Bank support staff.
- b. Approved leave recipients may apply emergency leave to current and future absences that are a direct result of the medical emergency. The Bank will also consider repaying advanced leave or leave without pay used for the medical emergency.
- c. The approval and use of emergency leave is subject to all of the conditions and requirements stipulated in the Department's leave administration order, DOJ 1630.1b.

5. **Maximum Amount of Leave a Recipient Can Receive From the Leave Bank:** Leave received by approved recipients under the Leave Bank is dependent upon the level of leave in the Bank. The Leave Bank Board will constantly monitor the quantity of leave in the Leave Bank in order to ensure that a sufficient quantity is available to meet the projected needs. If, as result of the Leave Bank Board's monitoring of the Leave Bank, it is determined that there is an inadequate supply of leave in the Bank, the Leave Bank Board may schedule an emergency open enrollment period or increase the minimum contribution to the Leave Bank for the following year.

6. **Limitations on Leave Accruals While in a Shared Leave Status:** While a recipient is using emergency leave, he or she may not accrue more than 40 hours of annual leave and 40 hours of sick leave. The accrued leave is placed in separate accounts and is released when the medical emergency ends. If all the emergency leave is exhausted, the accrued annual and sick leave held in the separate accounts will be made available for the use of the recipient.

7. **Use of Emergency Leave from the Leave Bank**

- a. A leave recipient may use emergency leave only for the purpose of the approved medical emergency. Even though an employee may qualify as a leave recipient, the absence from work must still be approved by the supervisor. It is important to keep the supervisor informed about the status of the medical emergency. The supervisor is responsible for advising the USMS Leave Sharing Program Coordinator about any changes in the medical situation that may impact the use of emergency leave. When the medical emergency ends, the accrued annual and sick leave will be released from the separate accounts and transferred to the regular annual and sick leave accounts of the recipient, up to a maximum of 40 hours of sick and 40 hours of annual leave. Any remaining emergency leave will be returned to the Leave Bank.

If leave is needed for anything other than the approved medical emergency, leave from the Leave Bank cannot be used. Leave Without Pay may be used if approved by the recipient's supervisor.

- b. Additional rules pertaining to Emergency Leave from the Leave Bank:
 - Annual leave contributed to the Leave Bank cannot be re-credited if an employee leaves the government and later returns;
 - Emergency leave cannot be included in a lump-sum annual leave payment;
 - Emergency leave cannot be given by one leave recipient to another leave recipient;
 - When the medical emergency ends, any unused emergency leave in the recipient's account is returned to the Leave Bank, not to the donor; and
 - Emergency leave cannot be used once the medical emergency has terminated.

E. Responsibilities

1. USMS Leave Sharing Program Coordinator, Human Resources Division, Employee Relations Branch:

- a. Serves as the contact point between USMS and the Leave Bank.
- b. Accepts employee membership applications OPM-71, *Request for Leave or Approved Absence* during open enrollment periods and forwards them to the Leave Bank. Coordinates all memos and information passing between Leave Bank members and the Leave Bank.
- c. Reviews employees' applications for emergency leave, and forwards them to the Leave Bank after ensuring that the application is complete.
- d. Provides guidance and assistance to USMS employees concerning the Leave Bank.

2. Employees

- a. Employees who wish to join the Leave Bank, or request leave in the event of a medical emergency, must submit the required forms to the USMS Leave Sharing Program Coordinator.
- b. Leave recipients must keep the USMS Leave Sharing Program Coordinator informed of changes in their medical situation, and provide updated medical documentation if the emergency exceeds the date on the original medical document. They must also inform the Leave Sharing Program Coordinator when the medical emergency has terminated.

3. Supervisors

- a. Monitor and ensure the appropriate use of emergency leave and notify the USMS Leave Sharing Program Coordinator of new circumstances or conditions that might impact employee eligibility for participation in the program.

F. Definitions

1. **Employee:** An active, on-board employee of the Department of Justice. Participating employees may be full time or part time. Intermittent employees do not qualify for participation as Leave Bank members or as leave recipients because they do not earn or accrue annual leave.
2. **Medical Emergency:** A medical condition of an employee or a family member that is likely to require an employee's absence from duty for at least 24 hours (or in the case of a part time employee or an employee with an uncommon tour of duty, at least 30% of the average number of hours of work in the employee's biweekly scheduled tour of duty) and to result in a substantial loss of income to the employee because of the unavailability of paid leave. A normal pregnancy without complications is covered by the program; however, Leave Bank leave may only be used for the period of incapacitation or recovery indicated in the doctor's letter. Additional time for bonding with the child is not covered.
3. **Emergency Leave:** Leave provided to an approved leave recipient from the Leave Bank to use for his or her medical emergency.
4. **Family Member:** A person related to the employee as follows: spouse, parents of the spouse, children and their spouses, parents, brothers and sisters and their spouses, and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
5. **Leave Bank:** A pooled fund of annual leave established by the Department of Justice under 5 CFR 630.1003.

6. **Open Enrollment Period:** A nationwide campaign (at least 30 calendar days) scheduled by the Leave Bank Board for the purpose of providing employees the opportunity to become Leave Bank members.
7. **Leave Bank Member:** A leave contributor who has contributed at least the minimum amount of annual leave established by the Leave Bank Board, **during an open enrollment period** (or individual enrollment period, as applicable), for the designated leave year.
8. **Leave Contributor:** An employee who contributes annual leave to the Leave Bank. Such contributions may be made at any time during the leave year within the established limitations, and do not entitle the employee to membership in the Leave Bank.
9. **Leave Recipient:** A member whose application to receive emergency leave from the Leave Bank has been approved. All members who are approved leave recipients will be considered to be members of the Leave Bank for the duration of the leave year in which their medical emergency terminates.
10. **Leave Sharing Program Coordinator:** An agency representative responsible for the day-to-day operations of the Leave Bank for their organization within the Department of Justice. Leave Sharing Program Coordinators provide information, advice, guidance, and assistance, and distribute forms to employees.
11. **OPM-71: Request for Leave or Approved Absence.** This is the form used for annual leave contributions to the Leave Bank.
12. **Completed Application:** The application of an employee to become a leave recipient which includes all the necessary information.

THRIFT SAVINGS PLAN

The Thrift Savings Plan (TSP) is a retirement savings plan and investment plan for civilians who are employed by the United States Government and for members of the uniformed services. The TSP offers Federal employees the same type of savings and tax benefits that many private corporations offer their employees under "401(k)" plans. Federal employees covered by the Federal Employees' Retirement System (FERS) and the Civil Service Retirement System (CSRS) can contribute to the TSP. The participation rules are different for FERS and CSRS employees. The website for the TSP can be found at, <http://www.tsp.gov/> and contains a detailed overview of the plan and its options.

RETIREMENT

Please refer to the following website links for retirement information.

A. Office of Personnel Management (OPM) web site

[General Federal Retirement Services](#)

[Civil Service Retirement System \(CSRS\) Publications](#)

[Federal Employees Retirement System \(FERS\) Publications](#)

B. Social Security Administration website

C. Ballpark Estimate Retirement Planning Worksheet (to estimate how much you may need to save for retirement)

Note: Minor changes made on 3/09/09 - from HRD, per hardcopy, see "Item 4" on file. Changed Employee Relations Team to Employee Relations Branch throughout document. Updated form names (USM-398,

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USM-399, and OPM-71) throughout document.

Voluntary Leave Transfer Program, C.1.b (omitted 80-hour sick leave requirement), C.1.f (clarified statement), D.2. (clarified statement), D.5. (omitted 2nd/3rd sentence), E.4 (clarified), E.6 (PC-TARE changed to STAR), F.2 (omitted last sentence).

Voluntary Leave Bank Program, C.3.c. (5 working days changed to 45 working days), C.4.b (changed leave balance requirements), D.7.a (deleted last sentence in 2nd paragraph).

Archived/Suspended Policy: Employee Benefits and Programs