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NASA Procedural Requirements

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**Subject: Attendance and Leave, (Revalidated with Change 2,
09/11/2013)**

Responsible Office: Office of Human Capital Management

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CHAPTER 4. Voluntary Leave Transfer Program

4.1 Responsibilities

Subject to the conditions and limitations in applicable laws and regulations and the NASA procedures contained herein, the Directors of NASA Centers will:

- a. Implement a program allowing for the voluntary transfer of leave from one employee to another employee within NASA and the transfer of leave to or from an employee of another agency.
- b. Approve an employee's written request to become a leave recipient.
- c. Determine that the medical emergency affecting a leave recipient has not terminated.
- d. Approve a NASA employee's voluntary written request to transfer leave to the leave account of an approved leave recipient.

4.2 Application to Become a Leave Recipient

4.2.1. A NASA employee who has been affected by a medical emergency shall have the option of making written application to the approving official to become a leave recipient. If an employee is not capable of making application on his or her own behalf, a personal representative (who need not be a NASA employee) of the potential leave recipient may make written application for the leave recipient.

4.2.2. An employee's supervisor(s) must review and make a recommendation on a request to become a leave recipient before it may be approved. The supervisor(s) will continuously monitor the status of the medical emergency affecting a leave recipient. Centers may establish local procedures for monitoring medical emergencies and may require the leave recipient to apprise the supervisor(s) periodically of prospects for the medical emergency ending and the employee returning to work. Centers may continue to accept donated leave for up to two pay periods following the end of the medical emergency for a leave recipient. However, the Human Resources Officer can, in individual cases, extend that time period when circumstances warrant it.

4.2.3. The approving official will notify the Payroll Office of the approved starting date of the medical emergency and will notify the leave recipient (or the personal representative who made application on behalf of the leave recipient) within ten days after the date a complete application was received. If an application is not approved, a written explanation of the reasons for its disapproval will be provided to the leave recipient or the personal representative.

4.2.4. The approving official will ensure that the personal reasons justifying an employee's written request to become a leave recipient are kept strictly confidential, with access to the documentation limited to the maximum extent that is consistent with reasonable implementation of the program. An employee's name will not be included in any general notice or announcement of leave recipients unless the employee has given consent.

4.3 Transfer of Annual Leave

4.3.1. The leave recipient may be employed at the same NASA Center, a different NASA Center, or a different agency. Each approving official should coordinate with the Payroll Office to establish reasonable time limits within which leave donations will be credited to the accounts of designated leave recipients.

4.3.2. Compensatory time cannot be donated since it is actually premium pay and not leave. Regulations also do not permit donation of credit hours, time-off awards, or sick leave.

4.3.3. NASA Centers that have employees who earn and use annual leave on the basis of an uncommon tour of duty will establish procedures for administering the transfer of annual leave to or from such employees.

4.3.4. Employees may not donate annual leave to their immediate supervisor, and the Agency shall not transfer it.

4.4 Accrual of Annual and Sick Leave

4.4.1. When an employee is in a transferred-leave status at the beginning of the leave year, the Agency will not advance the annual leave that the employee would be expected to earn during the leave year.

4.4.2. If the employee moves into a transferred-leave status after the leave year has begun, any unused portion of annual leave that was advanced at the beginning of the leave year is to be retracted and set aside, as explained in paragraph 4.5.1.

4.4.3. The total of annual leave accrued by the leave recipient while in a transferred-leave status and annual leave advanced at the beginning of the year may not exceed the amount the employee would be entitled to earn during the entire year while in a regular pay status.

4.4.4. At the time an employee goes into a transferred-leave status, the annual leave account must have a zero balance because all earned annual leave must be used before any donated leave is used. In the case of a personal medical emergency, the sick leave account must also have been exhausted. When the medical emergency involves a family member, the employee may not use more than a total of up to 480 hours of sick leave during a leave year (or 1040 hours in any 12 month period if an employee is caring for a family member whose serious illness or injury is connected with active duty military service), per 5 CFR §630, Subpart D.. Therefore, the employee is not required to have a zero sick leave balance. However, under applicable laws and regulations the employee must have exhausted the ability to use sick leave to care for a family member.

4.4.5. When accrued leave is transferred to the employee's available leave account after the termination of the medical emergency, it may not be used to liquidate any indebtedness for advanced leave that was not liquidated by donated leave.

4.5 Use of Transferred Leave

4.5.1. Any annual or sick leave accumulated, accrued, or earned (prior to the date the application to become a leave recipient was approved) and available for use during the medical emergency must be exhausted to the extent permitted by regulation before any donated annual leave may be used.

4.5.2 The Payroll Office will not move an approved leave recipient into a transferred-leave status until that portion of the leave, made available at the beginning of the year, that has been earned to date is depleted. When that occurs, the Payroll Office will retract the unused portion of the annual leave that was made available at the beginning of the year and immediately place the leave recipient in a transferred-leave status. The remainder will be removed from the leave recipient's annual leave account and will not be available for the employee's use until all donated leave has been exhausted.

4.5.3. Advanced sick leave that has been requested and approved can be available at the same time that an employee enters into the leave share program. If an employee enters leave on his/her Time and Attendance to the leave share code, and does not have any leave donations, the system will automatically take it from the advanced sick leave account.

4.5.4. When the medical emergency terminates, the unused balance of annual leave the employee could earn during the remainder of the year should be credited to his or her account and made available for use.

4.6 Termination of Medical Emergency

4.6.1 The approving official will notify the Payroll Office of the termination date for the medical emergency.

4.7 Records

4.7.1. Separate leave accounts must be established for tracking leave received and leave donated in order that leave may be restored to donors when the medical emergency terminates.

4.8 Prohibition of Coercion

4.8.1 In addition to those actions prohibited by applicable laws and regulations, a supervisory employee may not attempt to directly or indirectly influence a subordinate employee to donate leave.

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