Department of Behavioral Health

TRANSMITTAL LETTER

SUBJECT **Voluntary Leave Transfer Program**		
POLICY NUMBER **DBH Policy 717.2A**	DATE MAR 1 3 2014	TL# 241

Purpose. To establish a Voluntary Leave Transfer Program in the Department of Behavioral Health (DBH).

This re-issued policy includes the exhibits that were inadvertently excluded from the policy issued on December 17, 2013.

Applicability. The DBH Voluntary Leave Transfer Program (hereafter referred to as "the Program") applies to all eligible Department employees as defined herein.

Policy Clearance. Reviewed by affected responsible staff and cleared through appropriate Behavioral Health Authority offices.

Implementation Plans. **Specific staff whose roles are relevant to the implementation of this policy should be trained, as needed. Program managers are responsible for following through to ensure compliance.**

Policy Dissemination and Filing Instructions. Managers/supervisors of DBH must ensure that staff are informed of this policy. Each staff person who maintains policy manuals must promptly file this policy in the DBH Policy and Procedures Manual.

ACTION

REMOVE AND DESTROY	INSERT
DBH Policy 717.2 **issued December 17, 2013**	**DBH Policy 717.2A** 3/13/14 **Stephen T. Baron** **Director, DBH**

GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT OF BEHAVIORAL HEALTH	Policy No. 717.2A	Date MAR 1 3 2014	Page 1
	Supersedes DMH Policy 717.2, same subject, dated Dec. 17, 2013		

Subject: Voluntary Leave Transfer Program

1. **Purpose**. To establish a Voluntary Leave Transfer Program in the Department of Behavioral Health (DBH).

2. **Applicability**. The DBH Voluntary Leave Transfer Program (hereafter referred to as "the Program") applies to all eligible Department employees as defined herein.

3. **Authority**. D. C. Law 15-68, the Voluntary Transfer of Leave Amendment Act of 2003, effective February 6, 2004 (D. C. Act 15-197; 50 DCR 9819; November 21, 2003) provides that each District government subordinate and independent agency shall establish a Voluntary Leave Transfer Program to allow agency employees to transfer accrued annual or universal leave to the account of any other eligible employees under certain conditions.

4. **Summary of Provisions**.

4a. The DBH Voluntary Leave Transfer Program is separate and distinct from the Annual Leave Bank Program that is administered by the D. C. Office of Personnel.

4b. Under the Program, voluntary transfer of annual or universal leave is authorized as follows:

(1) The potential recipient must be an eligible DBH employee who is expected to suffer a prolonged absence due to a serious health condition or has the responsibility to provide personal care to an immediate relative; and

(2) Such a prolonged absence would result in a substantial loss of income to the employee because of the lack of paid leave on his or her annual or universal leave account.

4c. Leave transfers under the DBH Voluntary Leave Transfer Program shall be on an hour-to-hour basis.

4d. A recipient employee shall be eligible to receive a maximum of 320 hours of transferred leave during any 12-month period.

4e. The Director of DBH or designee may exclude from the Program any employee or group of employees if a determination is made that a DBH organization or program would be substantially disrupted from carrying out its functions or would incur additional costs because of the employee's participation in the Program.

4f. Notwithstanding any other law, if the employee is eligible for leave under the Federal Family and Medical leave Act provisions of 28 U. S. C. Section 2601 *et seq.*, the leave transfer shall be granted.

4g. Both leave contributors and recipient employees must complete the required application to contribute or receive transferred annual or universal leave respectively under this Program (see Exhibits 1 and 2).

4h. Leave contributed under the Program will not be transferred from or to an employee without the required written approval of the DBH Director or designee. (Also see Section 10a(2) below for approval of universal leave contributed to the Program.)

5. **Definitions.**

5a. **Annual Leave** – a benefit entitling employees, depending on the category of employment, to be absent from duty without loss of pay, generally for vacation, or personal or emergency purposes.

5b. **Child** – any person under twenty one (21) years of age; twenty-one (21) years of age or older who is substantially dependent upon the eligible employee by reason of physical or mental disability; and a person under twenty-three (23) years of age who is a full-time student.

5c. **Domestic Partner** – a person with whom an employee enrolled in the D.C. Employees Health Benefits Program applicable to individuals first employed on or after October 1, 1987 maintains a committed relationship and has registered the domestic partnership with the D. C. Department of Health (DOH).

5d. **Eligible employee** – a DBH employee who performs services as a District government employee, receives compensation for the performance of such services, is eligible to accrue annual or universal leave, and has been employed for at least one (1) year without a break in service.

5e. **Immediate relative** – a person to whom an eligible employee is related by blood or by marriage to the eligible employee as father, mother, child, husband, or wife; or an individual for whom the eligible employee is the legal guardian or domestic partner (as that term is defined in Section 5c. above).

5f. **Intimidate, threaten, or coerce** – includes promising to confer or conferring any benefit such as appointment, promotion, or compensation; or effecting or threatening to effect any reprisal such as deprivation of appointment, promotion, or compensation.

5g. **Leave contributor** – an employee who contributes annual or universal leave for transfer to a designated recipient employee.

5h. **Personal care** – custodial or primary assistance that helps an immediate relative of an eligible employee with activities of daily living, such as bathing, eating, dressing, and continence, and includes care of a recently-adopted child or newborn child by the eligible employee.

5i. **Prolonged absence** – an eligible employee's absence from duty for at least ten (10) consecutive workdays that will result in a substantial loss of income to the employee because of the unavailability of paid leave.

5j. **Recipient employee** – an eligible employee who is designated to receive annual or universal leave transferred from a leave contributor.

5k. **Serious health condition** – any pregnancy or physical or mental illness, injury, or impairment that involves a hospital, hospice, or residential health care facility, or continuing treatment at home by a competent health care provider or other individual.

5l. **Universal Leave** – Each Executive Service employee has a universal leave account. On the first pay period of the leave year, each individual has his or her universal leave account credited with twenty-six (26) days of universal leave. Universal leave may be used for the same purposes of both annual and sick leave. There is no charge to universal leave for absences of less than one (1) work day.

6. **Delegation of Authority and Responsibility.**

6a. The Director of the Department of Behavioral Health (DBH) has delegated authority to the DBH Director of Human Resources to make determinations on employees' applications to receive transferred annual or universal leave and on applications to contribute annual leave under the Program, and to otherwise administer the DBH Voluntary Leave Transfer Program as described herein.

6b. Supervisors are responsible for ensuring that employees receive information and forms regarding the Voluntary Leave Transfer Program, and for consulting with the DHR when necessary.

6c. The DBH Payroll Office will ensure the accuracy of Time and Attendance Reports of contributors and recipient employees, including any required remarks, and forward to the D. C. Office of Pay and Retirement Services.

6d. DBH Timekeepers are responsible for completing the leave adjustment form when notified, and making the required notation in the "Remarks" section of both the leave adjustment form and the Time and Attendance Report. In addition, they will provide copies to the Division of Human Resources.

7. **Application to Receive Transferred Leave.**

7a. An eligible DBH employee who anticipates a prolonged absence from duty because of a serious health condition or if it's his/her responsibility to provide personal care to an immediate relative may submit an application to become a recipient employee under the Program. (See Exhibit 1.)

7b. If an eligible employee is not capable of applying for transferred leave on his/her own, another DBH employee may do so on the eligible employee's behalf, e.g., the employee's supervisor.

7c. All information contained in an employee's application to receive transferred leave as well as any documentation that accompanies the application will be used only for the purpose of making a determination on the request and will be kept confidential.

7d. An incomplete application will be returned without decision to the eligible employee or to the employee who applied on the eligible employee's behalf.

8. **Consideration of Application to Receive Transferred Leave.**

8a. The DBH Director of Human Resources will consider applications to receive transferred leave within fifteen (15) calendar days of receipt. After consultation with the requesting employee's supervisor, the Director of Human Resources may exclude an employee or a group of employees from the Program if it is determined that such employee or group of employees' participation in the Program would substantially disrupt a DBH organization or program from carrying out its functions or would incur additional costs.

8b. When the Director of Human Resources makes the kind of exclusion described in Section 8a, a report must be submitted to the Director of the D. C. Office of Personnel specifying how the DBH organization or program would be substantially disrupted from carrying out its functions or would incur additional costs if the eligible employee is allowed to participate in the Program. This information must be included also in the Voluntary Transfer Leave Program Report described in Section 12 below.

8c. Before approving an application to receive transferred leave, the Director of Human Resources must do the following:

(1) Determine if the request to become a recipient employee is necessitated by a

prolonged absence because of the employee's serious health condition or the employee's responsibility to provide personal care to an immediate relative; and

(2) Review the employee's leave record, and consider the probability that the eligible employee may separate from service during the period that the transferred leave would be taken and any exigency or disruption in service that the organization may experience.

8d. The Director of Human Resources must approve or disapprove an employee's application to receive transferred leave under the Program within fifteen (15) calendar days of receipt of the application and to the extent practicable shall notify the employee in writing of the decision. **If the employee is eligible for leave under the Family and Medical Leave provisions of 28 U. S. C. Section 2601 *et seq.*, the leave transfer shall be granted.**

8e. When the Director of Human Resources notifies the recipient employee and the recipient employee's Timekeeper that the request has been approved to receive transferred leave, the Timekeeper will proceed as follows:

(1) Prepare a leave adjustment form to reflect the amount of transferred leave, including the required notation in the Remarks" section.

(2) Make the required adjustment and notation to the leave of the recipient employee's Time and Attendance Report.

(3) Attach the leave adjustment form to the recipient employee's Time and Attendance Report and forward both to the DBH Payroll Office for submission to the Office of the D. C. Chief Financial Officer, Office of Pay and Retirement Services.

(4) Send a copy of the leave adjustment form and the associated Time and Attendance Report also to the Director of Human Resources for filing in the Voluntary Leave Transfer Program's files.

9. Use and Termination of Transferred Leave

9a. Transferred leave under the Program can be used in the same manner as leave accrued by the employee; however, any annual, universal, sick, or advanced leave must be exhausted before the transferred leave may be used.

9b. During the period in which transferred leave is being used, the recipient employee shall not accrue annual, universal, or sick leave.

9c. Unused transferred leave is not subject to any form of lump-sum leave payment upon the recipient employee's separation from District government service.

9d. Any unused transferred leave shall be forfeited or it may be transferred to the Annual Leave Bank Program with the concurrence of the D. C. Office of Personnel.

9e. The use of transferred leave shall terminate as follows:

(1) The recipient employee is no longer affected by the medical emergency; or

(2) The recipient employee is terminated or separated from District government services.

10. Application to Become a Leave Contributor.

10a. Approvals.

(1) Annual Leave. A DBH employee may transfer annual leave to the Program upon approval of his/her written application (see Exhibit 2) by the DBH Director of Human Resources. Annual leave transferred under the Program will be deducted from the leave contributor's account effective the first pay period following approval of the transfer. The employee will be notified in writing before any deduction is made.

(2) Universal Leave. An Executive Service employee may transfer universal leave to the Program upon approval of his/her written application by the appropriate Deputy Mayor or designee. Leave transferred under the Program will be deducted from the leave contributor's account effective the first pay period following approval of the transfer.

The transfer of annual or universal leave cannot total more than one-half (1/2) of the amount of annual or universal leave that the contributor would have been entitled to accrue during the leave year; however, a leave contributor may contribute restored annual leave without limitation.

10b. Timekeeping.

(1) When the Division of Human Resources notifies the leave contributor and the leave contributor's Timekeeper that the request to transfer annual leave has been approved, the Timekeeper will proceed as follows:

(a) Prepare a leave adjustment form to reduce the leave contributor's annual leave balance by the number of hours of leave contributed with the following notation in the "Remarks" section: "Contribution of annual leave to the Voluntary Leave Transfer Program."

(b) Make the following notation in the "Remarks" section of the leave contributor's Time and Attendance Report for the pay period in which the annual leave contribution is effective: "Employee's annual leave balance reduced by contribution to the Voluntary Leave Transfer Program."

(c) Attach the leave adjustment form to the leave contributor's Time and Attendance Report and forward both to the DBH Payroll Office for submission to the Office of the D.C. Chief Financial Officer, Office of Pay and Retirement Services.

(d) Send a copy of the leave adjustment form and the associated Time and Attendance Report also to the Director of Human Resources for filing in the Voluntary Leave Transfer Program's files.

(2) Universal Leave accounts for Executive Service employees shall be adjusted by responsible timekeepers according to applicable governing guidelines.

11. Prohibition on Intimidation, Threat, or Coercion. A Department of Behavioral Health (DBH) employee shall not be directly or indirectly intimidated, threatened, or coerced by any other employee for the purpose of interfering with any right that the employee may exercise to contribute, receive, or use annual or universal leave under the Program.

12. Voluntary Transfer of Leave Program Report. On or before January 1 of each year, the Director of Human Resources will prepare a report on the Department's Voluntary Transfer Leave Program and provide it to the D. C. Office of Personnel. This report shall include the following:

12a. A listing of all voluntary leave contributors and recipient employees;

12b. Documentation demonstrating that proper deductions have been taken from contributors' leave accrual;

12c. Documentation demonstrating the actual transfer of leave to recipient employees; and

12d. List of eligible employees or group of employees excluded from the Program because approving the request would have resulted in substantial disruption of the functions of the Department of Behavioral Health (DBH) as a whole or a component/program within the Department, or would have resulted in additional costs. The list of exclusions will include detailed information on the manner in which the Department or a DBH program would have been substantially disrupted from carrying out its functions; or the amount of additional costs that would have been incurred and the reasons for such costs.

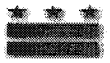
Approved by:

Stephen T. Baron
Director, DBH

3/13/14

(Signature) **(Date)**

DEPARTMENT OF BEHAVIORAL HEALTH



APPLICATION TO RECEIVE LEAVE FROM THE VOLUNTARY LEAVE TRANSFER PROGRAM

PART A - TO BE COMPLETED BY THE EMPLOYEE

1. IDENTIFICATION INFORMATION

Name: _____
(Last) (First) (Middle)

Social Security Number: _____

Position Title/Series/Grade/Step: _____

Name of Organizational Unit/Location: _____

_____

2. REQUEST FOR LEAVE BANK HOURS

I hereby request_____ hours of leave from the Voluntary Leave Transfer Program because of a medical emergency affecting:

myself; an immediate family member.

a. Please provide the reason(s) the leave is needed, anticipated duration, and if it is a recurring medical emergency, the approximate frequency of the medical emergency.

_____

_____

b. Please attach certification from a physician or other licensed health care professional that you have experienced a serious health condition or that your immediate relative requires personal care, except that no certification is required in cases of pregnancy, the recent adoption of a child, or care of a newborn child.

c. If an immediate relative requires care, attach a signed affidavit (notarized statement) attesting that the individual requiring personal care is an immediate relative, or that the personal care is due to the recent adoption of a child or to care for a new born child.

3. EMPLOYEE CERTIFICATION

I certify that the above statements are true to the best of my knowledge and belief.

Printed/Typed Name:_____

Employee Signature: _____
(Date)

4. Potential Leave Contributor Information: Name _____
and Organizational Location _____

PART B - TO BE COMPLETED BY EMPLOYING AGENCY

1. Verification of employment information:

Employment information correct: Yes No

Distribution
Original – Division of Human Resources Copy – Employee Copy – T&A Report Copy–Agency Admin Office
3rd Fl., 64 New York Ave., NE, DC 20002

APPLICATION TO RECEIVE LEAVE FROM THE VOLUNTARY LEAVE TRANSFER PROGRAM

2. Is a certification of the medical emergency from a physician or other licensed health care professional with respect to the medical emergency attached? Yes No

3. If leave is required to care for a relative, is a signed affidavit attached attesting to the relationship of the employee to an immediate relative? Yes No

4. Has the employee requested advanced leave to cover the period of absence anticipated for the medical emergency? Yes No

5. Has the employee exhausted all paid leave that can be utilized for the period of absence because of the medical emergency?

Annual Leave	Yes	No
Sick Leave	Yes	No
Universal Leave	Yes	No
Compensatory Time	Yes	No
Advanced Leave	Yes	No

Certifying Official/Supervisor:
Name and Title: _____
Signature: _____
(Date)

PART C TO BE COMPLETED BY THE DIVISION OF HUMAN RESOURCES

1. Decision on application to become a leave recipient:

Approved: _____ Number of hours
(The employee cannot receive more than the 320 hour maximum that can be transferred during any 12 month period)

Disapproved for the following reasons:_____
_____
_____

2. The dollar value of the annual/universal leave to be received is: $ _____.
(The dollar value of the annual/universal leave is determined by multiplying the recipient's hourly rate of pay by the number of annual/universal leave hours received.)

3. Date of notification to employee _____ to Timekeeper _____

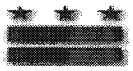
Deciding Official: Director, Division of Human Resources
Signature: _____
(Date)

Distribution
Original – Division of Human Resources Copy – Employee Copy – T&A Report Copy–Agency Admin Office
3rd Fl., 64 New York Ave., NE, DC 20002

MAR 1 3 2014

DBH Policy 717.2A
Exhibit 2-4g

DEPARTMENT OF BEHAVIORAL HEALTH



VOLUNTARY LEAVE TRANSFER PROGRAM

APPLICATION TO CONTRIBUTE ANNUAL OR UNIVERSAL LEAVE

PART A – FOR COMPLETION BY CONTRIBUTING EMPLOYEE

1. IDENTIFICATION INFORMATION

Name: _____
(Last) (First) (Middle)

Social Security No: _____

Position Title/Series/Grade/Step: _____

Name of Organizational Unit/Location: _____

_____

2. AMOUNT OF CONTRIBUTION

I hereby make application to contribute_____ hours of annual/universal leave for transfer to the leave account of _____ who is a Department of Mental Health recipient employee under the DBH Voluntary Leave Transfer Program. I understand that my application will be approved under the following conditions.

- ✓ The designated recipient is approved to receive the transferred leave under the provisions of the DBH Voluntary Leave Transfer Program.
- ✓ The transfer of annual/universal leave cannot total more than one-half (1/2) of the amount of annual/universal leave that I would have been entitled to accrue or accumulate during the leave year; however, I may contribute any restored annual leave without limitation.
- ✓ Leave transferred from my account will be deducted effective the first pay period following approval of the transfer.
- ✓ If approved, I will receive written approval from the Department's Director of Human Resources; or for universal leave, the appropriate Deputy Mayor or designee.

3. PRINTED/TYPED NAME _____

4. CONTRIBUTOR'S SIGNATURE _____

5. DATE OF THIS APPLICATION _____

(Part B on reverse side)

Distribution
Original – Division of Human Resources Copy – Employee Copy – Employee's Timekeeper
3rd Fl.., 64 New York Ave., NE, DC 20002

Part B: ***Application to Contribute Annual Universal Leave Under the DBH Voluntary Leave Transfer Program***

PART B - FOR COMPLETION BY DBH DIVISION OF HUMAN RESOURCES

1. Employment information correct Yes No

2. Contributing employee meets conditions specified above Yes No

3. Designated recipient employee has been approved Yes No

4. Decision on application to contribute annual leave:
___ Approved
___ Disapproved for the following reason(s):

_____

_____

_____

5. Date of notification to employee _____ to Timekeeper _____

Deciding Official for annual leave: Director, Division of Human Resources (DHR)

Signature: _____
(Date)

Deciding Official for universal leave: Responsible Deputy Mayor or designee
(However, forward completed forms through the Director, DHR)

Signature: _____
(Date)

Distribution
Original – Division of Human Resources Copy – Employee Copy – Employee's Timekeeper
3rd Fl.., 64 New York Ave., NE, DC 20002