

(d) The Office shall provide the head of an excepted agency with such advice and assistance as the head of such agency may request in order to carry out the purposes of this section.

(Added Pub. L. 100-566, §2(a), Oct. 31, 1988, 102 Stat. 2838; amended Pub. L. 103-359, title V, §501(i), Oct. 14, 1994, 108 Stat. 3429; Pub. L. 104-201, div. A, title XI, §1122(a), Sept. 23, 1996, 110 Stat. 2687; Pub. L. 107-306, title III, §322, Nov. 27, 2002, 116 Stat. 2391; Pub. L. 110-417, [div. A], title IX, §931(a)(1), Oct. 14, 2008, 122 Stat. 4575.)

#### AMENDMENTS

2008—Subsec. (a)(1)(E), (2)(E). Pub. L. 110-417 substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency” wherever appearing.

2002—Subsec. (b). Pub. L. 107-306, §322(a)(1), (2), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: “Notwithstanding any other provision of this subchapter, neither an excepted agency nor any individual employed in or under an excepted agency may be included in a leave transfer program established under any of the preceding provisions of this subchapter.”

Subsec. (b)(2). Pub. L. 107-306, §322(b)(1), substituted “under this subsection” for “under this section” in introductory provisions.

Subsec. (c). Pub. L. 107-306, §322(a)(3), added subsec. (c). Former subsec. (c) redesignated (b).

Subsec. (d). Pub. L. 107-306, §322(b)(2), struck out “of Personnel Management” after “The Office”.

1996—Subsec. (a)(1)(E). Pub. L. 104-201, §1122(a)(1), substituted “National Imagery and Mapping Agency” for “Central Imagery Office”.

Subsec. (a)(2)(E). Pub. L. 104-201, §1122(a)(2), substituted “National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency” for “Central Imagery Office, the Director of the Central Imagery Office”.

1994—Subsec. (a)(1)(E), (F). Pub. L. 103-359, §501(i)(1), added subpar. (E) and redesignated former subpar. (E) as (F).

Subsec. (a)(2)(E), (F). Pub. L. 103-359, §501(i)(2), added subpar. (E), redesignated former subpar. (E) as (F), and substituted “paragraph (1)(F)” for “paragraph (1)(E)” in two places in subpar. (F).

#### CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of Title 50, War and National Defense.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 1124 of Pub. L. 104-201, set out as a note under section 193 of Title 10, Armed Forces.

### § 6340. Inapplicability of certain provisions

Except to the extent that the Office of Personnel Management may prescribe regulations, nothing in section 7351 shall apply with respect to a solicitation, donation, or acceptance of leave under this subchapter.

(Added Pub. L. 100-566, §2(a), Oct. 31, 1988, 102 Stat. 2838.)

## SUBCHAPTER IV—VOLUNTARY LEAVE BANK PROGRAM

### § 6361. Definitions

For the purpose of this subchapter the term—

(1) “employee” means an employee as defined by section 6301(2), but shall exclude any individual employed by the government of the District of Columbia;

(2) “executive agency” means any executive agency or any administrative unit thereof;

(3) “leave bank” means a leave bank established under section 6363;

(4) “leave contributor” means an employee who contributes leave to an agency leave bank under section 6365;

(5) “leave recipient” means an employee whose application under section 6367 to receive contributions of leave from a leave bank is approved; and

(6) “medical emergency” means a medical condition of an employee or a family member of such employee that is likely to require the prolonged absence of such employee from duty and to result in a substantial loss of income to such employee because of the unavailability of paid leave (disregarding any advanced leave).

(Added Pub. L. 100-566, §2(a), Oct. 31, 1988, 102 Stat. 2839; amended Pub. L. 103-103, §3(a), Oct. 8, 1993, 107 Stat. 1022.)

#### AMENDMENTS

1993—Par. (6). Pub. L. 103-103 inserted before period at end “(disregarding any advanced leave)”.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-103 effective as of the 120th day after Oct. 8, 1993, or such earlier date as the Office of Personnel Management may by regulation prescribe, see section 6 of Pub. L. 103-103, set out as a note under section 6331 of this title.

#### LEAVE BANK FOR JUDICIAL BRANCH EMPLOYEES OF FEDERAL GOVERNMENT IN RESERVES WHO WERE ACTIVATED DURING PERSIAN GULF WAR

Pub. L. 102-58, §3, June 18, 1991, 105 Stat. 299, provided that:

“(a) JUDICIAL BRANCH EMPLOYEES.—The Director of the Administrative Office of the United States Courts shall establish a leave bank program under which—

“(1) an employee of the Judicial Branch may (during a period specified by the Director of the Administrative Office) donate any unused annual leave from the employee’s annual leave account to a leave bank established by the Director;

“(2) the total amount of annual leave that has been donated under paragraph (1) shall be divided equally among the annual leave accounts of all employees who have been members of the Armed Forces serving on active duty during the Persian Gulf conflict pursuant to an order issued under section 672(a) [now 12301(a)], 672(g) [now 12301(g)], 673 [now 12302], 673b [now 12304], 674 [now 12306], 675 [now 12307], or 688 of title 10, United States Code, and who return to employment with the Judicial Branch; and

“(3) such Persian Gulf conflict participants who have returned to Judicial Branch employment may use such annual leave, after it is credited to their leave accounts, in the same manner as any other annual leave to their credit.

“(b) DEFINITIONS.—For purposes of subsection (a), the term ‘employee’ means an employee as defined in section 6301(2) of title 5, United States Code.

“(c) DEADLINE FOR REGULATIONS.—Within 30 days after the date of the enactment of this Act [June 18,

1991], the Director of the Administration [Administrative] Office shall prescribe regulations necessary for the administration of subsection (a)."

**LEAVE BANK FOR FEDERAL CIVILIAN EMPLOYEES IN RESERVES WHO WERE ACTIVATED DURING PERSIAN GULF WAR**

Pub. L. 102-25, title III, §361, Apr. 6, 1991, 105 Stat. 92, as amended by Pub. L. 102-484, div. A, title X, §1054(c)(1), Oct. 23, 1992, 106 Stat. 2502, provided that:

"(a) CIVIL SERVICE EMPLOYEES.—The Office of Personnel Management shall establish a leave bank program under which—

"(1) an employee in any executive agency may (during a period specified by the Office of Personnel Management) donate any unused annual leave from the employee's annual leave account to a leave bank established by the Office of Personnel Management;

"(2) the total annual leave that has been donated under paragraph (1) shall be divided equally among the annual leave accounts of all employees who have been members of the Armed Forces serving on active duty during the Persian Gulf conflict pursuant to an order issued under section 672(a) [now 12301(a)], 672(g) [now 12301(g)], 673 [now 12302], 673b [now 12304], 674 [now 12306], 675 [now 12307], or 688 of title 10, United States Code, and who return to civilian employment with their agencies; and

"(3) such Persian Gulf conflict [sic] participants who have returned to civilian employment may use such annual leave, after it is credited to their leave accounts, in the same manner as any other annual leave to their credit.

"(b) DEFINITIONS.—For purposes of subsection (a), the term 'employee' means an employee as defined in section 6361(1) of title 5, United States Code.

"(c) DEADLINE FOR REGULATIONS.—Within 30 days after the date of the enactment of this Act [Apr. 6, 1991], the Office of Personnel Management shall prescribe regulations necessary for the administration of subsection (a).

"(d) DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE PROFESSIONALS.—The Secretary of Veterans Affairs shall establish a program similar to that established under subsection (a) for the benefit of health-care professionals covered under section 7423(e) of title 38, United States Code. Such program shall be as similar and [as] practicable to the program established under subsection (a)."

**§ 6362. General authority**

Notwithstanding any provision of subchapter I, and subject to the provisions of this subchapter, the Office of Personnel Management shall establish a program under which—

(1) annual leave accrued or accumulated by an employee may be contributed to a leave bank established by the employing agency of such employee; and

(2) leave from such a leave bank may be made available to an employee who requires such leave because of a medical emergency.

(Added Pub. L. 100-566, §2(a), Oct. 31, 1988, 102 Stat. 2839; amended Pub. L. 103-103, §5(b), Oct. 8, 1993, 107 Stat. 1023.)

**AMENDMENTS**

1993—Pub. L. 103-103 struck out subsec. (a) designation and struck out subsec. (b) which read as follows: "To test voluntary leave bank programs under the provisions of this subchapter, the Office of Personnel Management shall establish a demonstration project in at least 3 Executive agencies, of which—

"(1) one such agency shall include approximately, but not less than, the equivalent of 100,000 full-time positions;

"(2) one such agency shall include approximately, but not less than, the equivalent of 25,000 full-time positions; and

"(3) one such agency shall include approximately, but not less than, the equivalent of 1,000 full-time positions."

**EFFECTIVE DATE OF 1993 AMENDMENT**

Amendment by Pub. L. 103-103 effective as of the 120th day after Oct. 8, 1993, or such earlier date as the Office of Personnel Management may by regulation prescribe, see section 6 of Pub. L. 103-103, set out as a note under section 6331 of this title.

**§ 6363. Establishment of leave banks**

Each agency that establishes a leave bank program under section 6362 shall establish 1 or more leave banks in accordance with regulations prescribed by the Office of Personnel Management.

(Added Pub. L. 100-566, §2(a), Oct. 31, 1988, 102 Stat. 2839.)

**§ 6364. Establishment of Leave Bank Boards**

(a)(1) Each agency that establishes a leave bank shall establish a Leave Bank Board consisting of 3 members, at least one of whom shall represent a labor organization or employee group, to administer the leave bank under the provisions of this subchapter, in consultation with the Office of Personnel Management.

(2) An agency may establish more than 1 Leave Bank Board based upon the administrative units within the agency. No more than 1 board may be established for each leave bank.

(b) Each such Board shall—

(1) review and approve applications to the leave bank under section 6367;

(2) monitor each case of a leave recipient;

(3) monitor the amount of leave in the leave bank and the number of applications for use of leave from the bank; and

(4) maintain an adequate amount of leave in the leave bank to the greatest extent practicable.

(Added Pub. L. 100-566, §2(a), Oct. 31, 1988, 102 Stat. 2839.)

**§ 6365. Contributions of annual leave**

(a)(1) An employee may, by written application to the Leave Bank Board, request that a specified number of hours be transferred from the annual leave account of such employee to the leave bank established by such agency.

(2) An employee may state a concern and desire to aid a specified proposed leave recipient or a leave recipient in the application filed under paragraph (1).

(b)(1) Upon approving an application under subsection (a), the employing agency of the leave contributor may transfer all or any part of the number of hours requested for transfer, except that the number of hours so transferred may not exceed the limitations under paragraph (2).

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

(B) A leave contributor who is projected to have annual leave that otherwise would be sub-