

112TH CONGRESS
1ST SESSION

H. R. 3028

To amend title 5, United States Code, to permit the transfer of sick leave in leave-transfer programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2011

Mr. MORAN (for himself, Mr. WOLF, Mr. CONNOLLY of Virginia, Mr. VAN HOLLEN, and Mr. SARBANES) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend title 5, United States Code, to permit the transfer of sick leave in leave-transfer programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Employees
5 Leave Transfer Act of 2011”.

6 **SEC. 2. AUTHORITY TO TRANSFER SICK LEAVE.**

7 (a) **DIRECT TRANSFERS OF LEAVE.—**

1 (1) IN GENERAL.—Subchapter III of chapter
2 63 of title 5, United States Code, is amended by in-
3 serting after section 6338 the following:

4 **“§ 6338a. Sick leave**

5 “(a) The Office of Personnel Management shall by
6 regulation modify the program established under the pre-
7 ceding provisions of this subchapter so as to permit, in
8 addition to annual leave, the transfer and use of sick leave.

9 “(b) To the extent feasible, the terms and conditions
10 governing the transfer and use of sick leave under the reg-
11 ulations shall be the same as those governing the transfer
12 and use of annual leave under the preceding provisions
13 of this subchapter, subject to the following:

14 “(1) Sick leave may not be transferred or used
15 in connection with any purpose for which accrued
16 sick leave could not be used by the leave recipient
17 under subchapter I.

18 “(2) Sick leave received under this sub-
19 chapter—

20 “(A) may not be used before the exhaus-
21 tion requirement under section 6333(b) has
22 been met; and

23 “(B) shall not (for restoration purposes, if
24 applicable) be considered to have been used be-

1 fore all transferred annual leave has been ex-
2 hausted.

3 “(3) Nothing in this section shall affect the
4 maximum amount of sick leave or annual leave
5 which may be accrued by a leave recipient while
6 using any leave received under this subchapter in
7 connection with a particular medical emergency.

8 “(4) An employee who donates sick leave pursu-
9 ant to this section shall not be conferred any benefit
10 (including an appointment, promotion, or compensa-
11 tion) in connection with such donation.”.

12 (2) TECHNICAL AND CONFORMING AMEND-
13 MENTS.—

14 (A) PROHIBITION OF COERCION.—Section
15 6338(a) of title 5, United States Code, is
16 amended by striking “annual leave” and insert-
17 ing “annual or sick leave”.

18 (B) EXCEPTED AGENCIES.—Section
19 6339(b)(1) of such title is amended—

20 (i) by striking “annual leave accrued”
21 and inserting “annual or sick leave ac-
22 crued”; and

23 (ii) by striking “annual leave account”
24 and inserting “annual or sick leave account
25 (as applicable)”.

1 (C) TABLE OF CONTENTS.—The table of
2 sections for chapter 63 of title 5, United States
3 Code, is amended by inserting after the item re-
4 lating to section 6338 the following:

“6338a. Sick leave.”.

5 (b) LEAVE BANK PROGRAM.—

6 (1) IN GENERAL.—Subchapter IV of chapter 63
7 of title 5, United States Code, is amended by insert-
8 ing after section 6371 the following:

9 **“§ 6371a. Sick leave**

10 “(a) The Office of Personnel Management shall by
11 regulation modify the program established under the pre-
12 ceding provisions of this subchapter so as to permit, in
13 addition to annual leave, the contribution and use of sick
14 leave.

15 “(b) To the extent feasible, the terms and conditions
16 governing the contribution and use of sick leave under the
17 regulations shall be the same as those governing the con-
18 tribution and use of annual leave under the preceding pro-
19 visions of this subchapter, subject to the following:

20 “(1) Sick leave may not be used in connection
21 with any purpose for which accrued sick leave could
22 not be used by the leave recipient under subchapter
23 I.

1 “(2) Sick leave may be contributed instead of
2 annual leave in order to satisfy, in whole or in part,
3 the requirements of section 6366(a)(2)(A).

4 “(3) Sick leave received under this subchapter
5 may not be used before the exhaustion requirement
6 under section 6367(c) has been met.

7 “(4) Nothing in this section shall affect the
8 maximum amount of sick leave or annual leave
9 which may be accrued by a leave recipient while
10 using leave received under this subchapter in connec-
11 tion with a particular medical emergency.

12 “(5) An employee who donates sick leave pursu-
13 ant to this section shall not be conferred any benefit
14 (including an appointment, promotion, or compensa-
15 tion) in connection of such donation.”.

16 (2) TECHNICAL AND CONFORMING AMEND-
17 MENTS.—

18 (A) PROHIBITION OF COERCION.—Section
19 6370(a) of title 5, United States Code, is
20 amended by striking “annual leave” and insert-
21 ing “annual or sick leave”.

22 (B) EXCEPTED AGENCIES.—Section
23 6372(c)(1) of such title is amended by striking
24 “annual leave accrued” and inserting “annual
25 or sick leave accrued”.

1 (C) TABLE OF CONTENTS.—The table of
2 sections for chapter 63 of title 5, United States
3 Code, is amended by inserting after the item re-
4 lating to section 6371 the following:

“6371a. Sick leave.”.

5 (c) EFFECTIVE DATE.—Regulations required to be
6 prescribed by the Office of Personnel Management under
7 the amendments made by this section shall become effec-
8 tive not later than 90 days after the date of enactment
9 of such section.

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