DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON DC

12 SEP 2005

MEMORANDUM FOR ALMAJCOM/DPC

FROM: HQ USAF/DPXC
1040 Air Force Pentagon
Washington DC 20330-1040

SUBJECT: Air Force Emergency Leave Transfer Program (ELTP)

Attached guidance implements the Air Force ELTP for Air Force employees affected by Hurricane Katrina and its aftermath. The ELTP permits employees to donate unused leave for transfer to employees adversely affected by Hurricane Katrina and who need additional time off from work without having to use their own paid leave. The Defense Finance and Accounting Service procedures are currently being worked. They will be forwarded upon receipt. In the meantime, HQ AFPC/DPFFC may begin the process of manually collecting donated leave for affected employees. Any questions may be directed to Mr. Steve Church, HQ AFPC/DPFFC, DSN 665-4969 or Ms. Lynda Lake, HQ USAF/DPXC, DSN 222-4521.

SHARON B. SEYMOUR, SES
Associate Director for
National Security Personnel System

Attachments:
1. ELTP Guidance
2. USD Memo, 8 September 2005
3. 5 CFR 630

AIR FORCE EMERGENCY LEAVE TRANSFER PROGRAM TO ASSIST AIR FORCE EMPLOYEES AFFECTED BY THE HURRICANE KATRINA

BACKGROUND

1. Section 6391 of title 5, United States Code (as added by section 9004 of Public Law 105-18, June 12, 1997), provides that in the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management (OPM) to establish an emergency leave transfer program under which an employee in an executive agency may donate annual leave for transfer to employees of the agency or to employees in other agencies who are adversely affected by the emergency. As directed by the President in his memorandum of 1 September 2005, OPM has established an emergency leave transfer program to assist employees affected by Hurricane Katrina.

2. As the executive agency, the Department of Defense, by memo dated 8 September 2005, delegated to the Air Force the authority to administer an "internal" Air Force Emergency Leave Transfer Program (ELTP).

3. The ELTP applies to "employees" as this term is defined in 5 U.S.C. 6331. The ELTP permits employees to donate annual leave to employees who are affected by the declared emergency for personal needs or to care for a "family member" (as defined in 5 CFR 630.902), including physical or mental illness, injury, or loss of life, as a result of Hurricane Katrina. Employees approved as leave recipients under the emergency leave transfer program will be able to use donated annual leave without having to exhaust their own accrued and accumulated annual or sick leave. In addition, donated leave may be substituted retroactively (beginning no earlier than the date of the hurricane, 29 August 2005) for any period of leave without pay used as a result of the emergency or to liquidate an indebtedness incurred by an employee for advanced annual or sick leave used as a result of the emergency.

LEAVE DONATIONS

4. An employee may volunteer to become an emergency leave donor by submitting a OPM 1638 form through their CPF to HQ AFPC/DPFFC that a specified number of hours of accrued annual leave be transferred from his or her annual leave account to the Air Force ELTP. Completed OPM 1638 Forms may be faxed to DSN 665-2912 (comm. 210-565-2912), or emailed to AFPC.CivilianFieldActivities@RANDOLPH.AF.MIL. The minimum amount of annual leave an emergency leave donor may contribute in a leave year is 1 hour, and the maximum amount is 104 hours.

5. HQ AFPC/DPFFC will maintain records on the amount of leave donated by each emergency leave donor (for the purpose of restoring unused transferred annual leave).

6. An emergency leave donor may not contribute annual leave for transfer to a specific emergency leave recipient.

DONATED LEAVE RECIPIENTS

7. HQ AFPC/DPFFC will accept OPM 1637 forms from employees who have been adversely affected by Hurricane Katrina (or from the employee's personal representative) to become emergency leave recipients. Each application must include a statement describing the employee's need for leave from the Air Force ELTP. Completed OPM 1637 Forms may be faxed to DSN 665-2912 (comm..210-565-2912), or emailed to AFPC.CivilianFieldActivities@RANDOLPH.AF.MIL.

8. An emergency leave recipient may receive a maximum of 240 hours of donated annual leave at any one time from the ELTP. The 240-hour limit is not a guaranteed entitlement to leave recipients.

9. Deciding officials (HQ AFPC/DPFFC) take action to approve or disapprove a request to become an emergency leave recipient based on evidence that is administratively acceptable to the deciding official. Deciding officials will also determine the amount of donated annual leave to be transferred to each emergency leave recipient. The amount may vary according to individual needs. This determination must be based on whether the potential leave recipient, or his or her family member, is or was directly affected by Hurricane Katrina (e.g., because of loss of life, serious injury, or other medical or mental illness). "Family member" is defined in 5 CFR 630.902.

USING DONATED LEAVE

10. An emergency leave recipient may use donated annual leave only for purposes related to Hurricane Katrina.

11. Donated annual leave may be substituted retroactively (beginning on the date of the hurricane, 29 August 2005) for any period of leave without pay used as a result of the emergency or to liquidate an indebtedness incurred by the emergency leave recipient for advanced annual or sick leave used as a result of the emergency. However, donated annual leave cannot be substituted retroactively for annual leave or sick leave previously used during the emergency.

12. While an employee is using donated annual leave transferred from the ELTP, the employee will continue to accrue annual and sick leave at the same rate, subject to the limitations imposed by 5 U.S.C. 6304(a), (b), (c), and (f).

13. Donated annual leave may not be included in a lump-sum payment under 5 U.S.C. 5551 or 5552, recredited under 5 U.S.C. 6306 upon reemployment by a federal agency, or used to establish initial eligibility for immediate retirement or to acquire eligibility to continue health benefits into retirement under 5 U.S.C. 6302(g).

TERMINATING THE EMERGENCY

14. The disaster or emergency affecting an emergency leave recipient terminates—

(a) When Air Force determines, after consultation with affected Major Commands and bases, that the disaster or emergency has terminated;

(b) When the emergency leave recipient's federal service terminates;

(c) At the end of the biweekly pay period in which the emergency leave recipient, or his or her personal representative, notifies the Air Force that he or she is no longer affected by the emergency;

(d) At the end of the biweekly pay period in which the Air Force determines, after written notice from the Air Force and an opportunity for the emergency leave recipient, or his or her personal representative, to answer orally or in writing, that the emergency leave recipient is no longer affected by the emergency; or

(e) At the end of the biweekly pay period in which the Air Force receives notice that OPM has approved an application for disability retirement for the emergency leave recipient under the Civil Service Retirement System or the Federal Employees' Retirement System.

RESTORING UNUSED DONATED ANNUAL LEAVE

15. Donated annual leave that is not used by the emergency leave recipients will be restored to the emergency leave donors under the provisions of 5 CFR 630.1108. HQ AFPC/DPFFC is responsible for determining the amount of returned annual leave to be restored to each of the currently employed Air Force emergency leave donors based on records of the amount of annual leave donated by the leave donor.

16. An emergency leave donor may elect to have restored annual leave credited to his or her annual leave account in the current leave year or as of the first day of the first leave year beginning after the date of election.

FORMS FOR RECEIVING AND DONATING LEAVE

17. Attached are two forms (OPM Forms 1637 and 1638) that may be used for receiving donated annual leave or donating annual leave under the Air Force ELTP to assist employees affected by Hurricane Katrina. The forms can also be found on the OPM web site at http://www.opm.gov/forms/html/opm.htm.

FINANCE PROCDURES

18. The Defense Finance and Accounting Service (DFAS) procedures for the Air Force ELTP are forthcoming. The payroll guidance will be forwarded within two weeks and will include procedures for notifying the appropriate DFAS payroll office. In the meantime, HQ

AFPC/DPFFC may begin the process of manually collecting donated leave for affected employees.

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

SEP 08 2005

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF THE DoD FIELD ACTIVITIES

SUBJECT: Emergency Leave Transfer Program

By memorandum dated September 1, 2005, (Attachment 1), the President directed the Office of Personnel Management (OPM) to establish an Emergency Leave Transfer Program (ELTP) to assist employees affected by Hurricane Katrina. Subsequently, the Director, OPM, issued a memorandum dated September 2, 2005, (Attachment 2), authorizing agencies to administer an ELTP.

The authority granted to the Department of Defense in accordance with 5 C.F.R. 630.1101 (c) to administer an ELTP is hereby delegated to the Secretaries of the Military Departments and the Heads of the Defense agencies, and DoD Field Activities. This authority may be re-delegated in writing to appropriate levels within your organizations consistent with existing leave administration policy. When donated leave is not adequate to meet identified needs within a Military Department or Defense agency, the Civilian Personnel Management Service, Field Advisory Services Division, will solicit and coordinate the transfer of donated annual leave Department-wide.

Questions regarding this memorandum may be directed to Mr. Dennis Turner at (703) 696-1284. DSN prefix is 426.

David S. C. Chu

Attachments:
As stated

Application to Become a Leave Recipient Under the Emergency Leave Transfer Program

Completed Form Must Be Submitted To Employing Agency

1. Applicant's name *(Last, first, middle)*		2. Employee or Social Security Number
3a. Position title	3b. Pay plan	3c. Grade/pay level
4. Name of organization *(Agency, Department, Office, Division, Branch, etc.)*		5. Office telephone number
6. Major disaster or emergency declared by the President		
7. Nature and severity of the emergency as it relates to the applicant		
8. Individual affected by the emergency *(check one)* ☐ Employee ☐ Employee's family member	9. Date emergency began	10. Date emergency ended *(or is expected to end)*
11a. Name of individual completing application *(If applying on behalf of the applicant)*	11b. Relationship to applicant	11c. Telephone number (area code)
12a. *I certify that the above statements are true.* *(Signature of applicant or individual applying on behalf of applicant)*		12b. Date signed

Privacy Act Statement

Participation in this program is voluntary; however, solicitation of this information is authorized under 5 U.S.C. 6391. The information furnished will be used to identify records properly associated with the transfer of annual leave. It may also be disclosed to a national, State, or local law enforcement agency where there is an indication of a violation or potential violation of civil or criminal law, rule, or regulation; or to another agency or court when the Government is party to a suit. Public Law 104-134 (April 26, 1996) requires that any person doing business with the Federal Government furnish a social security number or tax identification number. This is an amendment to title 31, Section 7701. Furnishing the social security number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the application. If your agency uses the information furnished on this form for purposes other than those indicated above, it may provide you with an additional statement reflecting those purposes.

13. First level supervisor's recommendation ☐ Approve ☐ Disapprove Signature / Date signed	14. Deciding official's decision ☐ Approve ☐ Disapprove Signature / Date signed

Request to Donate Annual Leave Under the Emergency Leave Transfer Program

I request that my annual leave be transferred to the emergency leave transfer program established by the Office of Personnel Management. As of the date indicated below, I have enough annual leave in my account to cover this amount. I understand I may not donate more than 104 hours of annual leave under the emergency leave transfer program, unless otherwise permitted by my agency.

I understand that my decision to transfer leave is not revocable. If a sufficient balance of unused donated leave remains after the emergency has terminated, I understand that a pro-rated share will be returned to me either during the current leave year or the following leave year. However, to recredit my leave, I must remain employed by a Federal agency and be subject to chapter 63 of title 5, United States Code. I have not been directly or indirectly intimidated, threatened or coerced, or promised any benefit by an employee for the purpose of donating or using leave.

Completed Form Must Be Submitted to Employing Agency

1. Applicant's name *(Last, first, middle)*		2. Employee or Social Security Number
3a. Position title	3b. Pay plan	3c. Grade/pay level
4. Name of organization *(Agency, Department, Office, Division, Branch, etc.)*		5. Office telephone number
6. Amount of annual leave accrued as of end of last pay period	7. Amount of annual leave to be donated	
8. Major disaster or emergency declared by the President		
9a. Signature		9b. Date signed

Privacy Act Statement

Participation in this program is voluntary; however, solicitation of this information is authorized under 5 U.S.C. 6391. The information furnished will be used to identify records properly associated with the transfer of annual leave. It may also be disclosed to a national, State, or local law enforcement agency where there is an indication of a violation or potential violation of civil or criminal law, rule, or regulation; or to another agency or court when the Government is party to a suit. Public Law 104-134 (April 26, 1996) requires that any person doing business with the Federal Government furnish a social security number or tax identification number. This is an amendment to title 31, Section 7701. Furnishing the social security number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the application. If your agency uses the information furnished on this form for purposes other than those indicated above, it may provide you with an additional statement reflecting those purposes.

Frederick, MD, NAF wage area in January of even fiscal years, with the first full-scale wage survey for the Frederick wage area beginning in January 2000. The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, has reviewed and concurred by consensus with these changes.

Waiver of Notice of Proposed Rulemaking

Pursuant to section 553(b)(3)(B) of title 5, United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking. Also, pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists for making this rule effective in less than 30 days. The notice is being waived and the regulation is being made effective in less than 30 days because the Washington, MD, NAF wage survey would have been ordered in January 2000.

By issuing the interim rule, the new Frederick, MD, NAF wage area will be ordered in January 2000, and preparations for the wage survey must begin immediately.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, the Office of Personnel Management proposes to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

2. Appendix B to subpart B of part 532 is amended for the State of Maryland by removing the entry for "Washington" and by adding alphabetically a new entry for "Frederick" with a beginning survey month of "January" and a fiscal year of full-scale survey of "Even".

3. Appendix D to subpart B is amended by removing the wage area listing for Washington, Maryland, and by adding alphabetically a new entry for Frederick, Maryland, to read as follows:

Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas

* * * * *

Maryland

* * * * *

Frederick

Survey Area

Maryland:
Frederick

Area of Application. Survey area plus:

West Virginia:
Berkeley

[FR Doc. 99–33363 Filed 12–23–99; 8:45 am]
BILLING CODE 6325–01–U

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 630

RIN 3206–AI03

Emergency Leave Transfer Program

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing final regulations governing the establishment of an emergency leave transfer program. These regulations permit Federal employees to transfer their unused annual leave to other Federal employees adversely affected by a major disaster or emergency, as declared by the President. This program provides Federal employees with a special opportunity to help their fellow workers in times of need.

EFFECTIVE DATE: The regulations are effective on December 27, 1999.

FOR FURTHER INFORMATION CONTACT: Kevin Kitchelt, (202) 606–2858, FAX: (202) 606–0824, or email to payleave@opm.gov.

SUPPLEMENTARY INFORMATION: Section 9004 of Public Law 105–18, June 12, 1997, added section 6391 to title 5, United States Code, to provide that in the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management (OPM) to establish an emergency leave transfer program under which an employee in any Executive agency may donate annual leave for transfer to employees of his or her agency or to employees in other agencies who are adversely affected by such disaster or emergency. The Act also permits agency leave banks established under 5 U.S.C. 6362 to donate leave under an emergency leave transfer program established by OPM.

The emergency leave transfer program is in addition to the voluntary leave transfer and leave bank programs established under 5 U.S.C. 6332 and 6362. Under the current voluntary leave transfer program, an employee may donate unused annual leave for transfer to other Federal employees who have medical emergencies and who have exhausted their own leave. In contrast, the emergency leave transfer program will permit an employee to donate annual leave to employees who have been adversely affected by disasters or emergencies, such as a flood or an earthquake that has destroyed an employee's property, or by an emergency situation such as that created by the bombings of the Alfred P. Murrah Federal Building in Oklahoma City and the U.S. embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania. In addition, an employee approved as an emergency leave recipient may use donated annual leave without having to exhaust his or her own leave.

On November 3, 1997, OPM published proposed regulations (62 FR 59301) to establish the emergency leave transfer program. Under the proposed regulations, OPM would be responsible for establishing and administering an emergency leave bank for each disaster or emergency declared by the President. Each emergency leave bank would contain the aggregate amount of annual leave donated by emergency leave donors throughout the Government for a specific disaster or emergency. OPM would facilitate the transfer of donated annual leave from the emergency leave bank to agencies with employees affected by the disaster or emergency for distribution to their approved emergency leave recipients.

We received comments from 9 agencies, 1 labor organization, and 1 individual, for a total of 11 comments. A summary of the comments received and the changes made in the regulations is presented below.

OPM's Role

One agency recommended that individual agencies be responsible for administering an emergency leave transfer program. After the proposed regulations were published, the President directed OPM to establish an emergency leave transfer program to assist employees affected by the

bombing of the U.S. embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania; Hurricane Georges in Puerto Rico and the U.S. Virgin Islands; and the tornadoes in Oklahoma and Kansas. The experience gained from these emergencies led us to the conclusion that while the President must direct OPM to establish an emergency leave transfer program, OPM should delegate responsibility for administering an emergency leave transfer program to the agencies with employees affected by the emergency. The affected agencies are in the best position to determine whether, and how much, donated annual leave is needed by their employees and can quickly facilitate the transfer of donated annual leave within their agencies. Therefore, in the final regulations, OPM has delegated responsibility for administering an emergency leave transfer program to the affected agencies.

OPM remains committed to providing effective and efficient customer service to the Federal Government community. Staff of OPM's Workforce Compensation and Performance Service (WCPS) will be available to assist agencies in administering an emergency leave transfer program and coordinating efforts among affected agencies. WCPS staff may be reached on (202) 606–2858, by fax on (202) 606–0824, or by email at payleave@opm.gov. In addition, when a Federal agency notifies OPM that the amount of annual leave donated by its employees is not sufficient to meet the needs of its approved emergency leave recipients, we will coordinate a Governmentwide transfer of annual leave from donating agencies to affected agencies for crediting to their emergency leave recipients. OPM will make the determination to solicit and accept donated annual leave from agencies Governmentwide for this purpose.

The Agency's Role

To expedite the transfer of leave in disaster situations, each agency will be responsible for—

(1) Determining whether, and how much, donated annual leave is needed by affected employees;

(2) Approving leave donors and/or leave recipients within the agency; and

(3) Facilitating the distribution of donated annual leave from approved leave donors to approved leave recipients within the agency.

Agencies are authorized to distribute donated annual leave to approved emergency leave recipients as they see fit. It would not be productive for OPM to attempt to regulate the many needs and situations that may occur as a result of a major disaster or emergency. Individual agencies are best suited to make determinations on the hardship faced by each employee based on evidence administratively acceptable to the agency. Agencies may wish to establish committees or emergency leave boards to administer emergency leave donations. However, this is not an OPM requirement. OPM's final regulations provide agencies with maximum flexibility in approving donated annual leave for those individuals in need.

If an agency does not receive sufficient donated annual leave to meet the needs of its approved emergency leave recipients, the agency's designated emergency leave transfer coordinator should contact OPM for assistance. OPM will solicit and coordinate the transfer of donated annual leave from other Federal agencies to affected agencies who may have a shortfall of donated emergency leave. (See § 630.1107(a).)

Emergency Leave Recipient

Two agencies asked for clarification as to whether an emergency leave recipient must exhaust his or her own leave before receiving donated annual leave from an emergency leave transfer program. Emergency leave recipients are not required to exhaust their accrued annual or sick leave before receiving donated annual leave under an emergency leave transfer program. This is an important distinction from the voluntary leave transfer and leave bank programs, which require leave recipients to use all their available paid leave before using donated leave. Therefore, § 630.1105(d) of the final regulations provides that an emergency leave recipient is not required to exhaust his or her accrued annual or sick leave before receiving donated annual leave under the emergency leave transfer program.

Family Member

One agency asked whether donated annual leave received from the emergency leave transfer program can be used to assist family members adversely affected by a major disaster or emergency. Section 630.1104(b) of the final regulations permits an emergency leave recipient to use donated annual leave to care for a family member who has been adversely affected by a major disaster or emergency. Section 630.1102 of the final regulations includes a definition of "family member." The definition of "family member" is the same definition used in the voluntary leave transfer and leave bank programs. Employees may use donated annual leave to assist a family member adversely affected by a major disaster or emergency, provided the family member has no reasonable access to other forms of assistance. Agencies are responsible for ensuring that annual leave donated under the emergency leave transfer program is used appropriately. (See § 630.1106(i) of the final regulations.)

Limitations on Donating Annual Leave

The proposed regulations provide that an emergency leave donor may not contribute more than 104 hours of annual leave in a leave year. An agency questioned why the limit was fixed at 104 hours, while the limitation for the existing leave transfer program varies based on the leave donor's annual leave accrual rate (*i.e.*, 4, 6, or 8 hours). Another agency suggested abolishing all limitations on donating annual leave. OPM believes the 104-hour limitation provides each potential emergency leave donor with the opportunity to make a significant annual leave donation. Completely eliminating the limitation on the donation of annual leave may create additional costs to the Federal Government by allowing annual leave to be donated that might otherwise be forfeited. This suggestion was not adopted. However, § 630.1106(b) of the final regulations permits each agency to establish written procedures for waiving the 104-hour limitation on donating annual leave in appropriate circumstances.

Under the proposed regulations, an emergency leave donor could not donate annual leave directly to a specific emergency leave recipient. Two agencies suggested that emergency leave donors be permitted to donate annual leave directly to an employee adversely affected by a major disaster or emergency. This suggestion was not adopted. The intent of the emergency leave transfer program is to allow an employee to assist his or her fellow Federal employees in the event of a major disaster or emergency. The program has been designed to provide mass transfers of leave to affected employees. This is the quickest and most efficient way to provide relief to all those in need. If an employee wishes to donate annual leave directly to an individual, he or she may contact the local personnel office to inquire about donating annual leave under his or her agency's voluntary leave transfer program, if the recipient meets eligibility requirements for that program.

One agency requested that OPM provide an estimate of the amount of leave needed for an emergency before any donated annual leave is actually transferred between agencies. In the

event there is a need to transfer emergency donated leave between agencies, OPM will attempt to quickly obtain estimates from agency representatives concerning the amount of donated annual leave an agency may need. We believe this will reduce the administrative burden of unnecessarily transferring leave when specific needs have not been identified.

Under the proposed regulations, the minimum amount of annual leave that an employee could donate is 1 hour. An agency requested that the minimum donation limit be raised to 8 hours for administrative convenience. We believe an 8-hour minimum is too high and would reduce the potential pool of leave donors. This suggestion was not adopted. Section 630.1106(b) of the final regulations imposes a minimum donation of 1 hour of annual leave under the emergency leave transfer program.

Limitations on Receiving Donated Leave

The proposed regulations provided that an emergency leave recipient could receive no more than 240 hours of donated annual leave at any one time from an emergency leave transfer program for each disaster or emergency. An agency asked to waive the 240-hour limit on the receipt of donated leave. A waiver is not necessary. An agency may authorize additional donated annual leave whenever needed, as long as an emergency leave recipient receives no more than 240 hours at any one time. In contrast, another agency commented that the 240-hour limit was too high. OPM's regulations do not guarantee that an emergency leave recipient adversely affected by a major disaster or emergency will receive 240 hours of donated annual leave. Each employing agency must make a determination based on administratively acceptable evidence as to how much donated annual leave each approved emergency leave recipient may receive.

Distributing Donated Leave

Three agencies asked whether OPM will issue additional guidance for administering and distributing donated annual leave to affected individuals. We believe the final regulations provide agencies with broad guidance on administering an emergency leave transfer program. In addition, staff of OPM's Workforce Compensation and Performance Service stand ready to serve as advisors, facilitators, and/or coordinators in any emergency affecting Federal employees.

Retroactive Substitution of Donated Leave

The proposed regulations provided that donated annual leave could be substituted retroactively for any period of annual leave, sick leave, or leave without pay used as a result of a disaster or emergency. However, in OPM's recent guidance on establishing an emergency leave transfer program for Hurricane Georges and the tornadoes in Oklahoma and Kansas, an emergency leave recipient could not retroactively substitute donated annual leave for periods of annual and sick leave used during the disaster or emergency. An agency asked for clarification of OPM's policy.

The legislation establishing the emergency leave transfer program (5 U.S.C. 6391) does not authorize the substitution of donated annual leave retroactively for periods of annual and sick leave. However, under the voluntary leave transfer and leave bank programs, Congress did permit the substitution of donated annual leave retroactively for any period of leave without pay used as a result of the emergency or to liquidate an indebtedness incurred by an employee for advance annual or sick leave used as a result of the emergency. Based on this precedent, § 630.1106(f) of the final regulations provides that an emergency leave recipient may substitute donated annual leave retroactively (beginning no earlier than the date of the disaster or emergency) for any period of *leave without pay* used as a result of the emergency or to liquidate an indebtedness incurred by an employee for advance annual or sick leave used as a result of the emergency.

For the immediate emergency, affected employees typically will be granted excused absence. To further assist employees, the final regulations provide that agencies may advance annual leave or sick leave, as appropriate, to approved emergency leave recipients (even if an employee has available annual and sick leave), so that the emergency leave recipient is not forced to use his or her accrued leave before donated annual leave becomes available. Affected employees may then substitute donated annual leave retroactively for advance annual or sick leave.

Further, § 630.1104(e) of the final regulations provides that agencies may administratively determine a time period by which employees must apply to become an emergency leave recipient after the occurrence of a major disaster or emergency.

Restoration of Unused Donated Leave

The proposed regulations provided that any annual leave donated to the emergency leave transfer program that is not used by an approved emergency leave recipient must be returned to the emergency leave donor(s). Two agencies and one organization suggested that the proposed regulations be changed to permit unused donated leave to remain in the emergency leave transfer program for future use in the event that another major disaster or emergency occurs. One agency suggested that unused donated leave be restored only to those employees currently employed by the agency from which they donated leave. Another agency suggested that unused donated leave be restored in 1-hour increments.

Although these suggested changes might relieve some of the administrative burden of returning unused donated leave to emergency leave donors, we believe it would be unfair to the employees who generously donated their annual leave to have the leave remain in the emergency leave transfer program indefinitely and without purpose. Also, it would be inappropriate to retain unused donated leave simply because the leave donor has transferred to another Federal agency. Therefore, § 630.1108(b) of the final regulations provides that the amount of unused donated annual leave to be restored to the emergency leave donor(s) will be proportional to the amount of annual leave donated by the employee to the emergency leave transfer program for each disaster or emergency. The unused donated annual leave must be restored to the leave donor(s) in the lowest increment that the agency payroll system can accommodate.

Under the proposed regulations, emergency leave donors would be permitted to elect to have any unused donated annual leave restored in the current leave year or on the first day of the first leave year beginning after the date of election. One agency requested clarification of the phrase "date of election" as described above. We agree that clarification is needed. Therefore, § 630.1108(c)(2) of the final regulations permits the emergency leave donor to elect to have his or her unused donated annual leave restored in the current leave year or on the first day of the following leave year.

Family and Medical Leave

An agency asked whether OPM's regulations in 5 CFR part 630, subpart L, on the Family and Medical Leave Act of 1993 (FMLA) could be expanded to

permit the use of FMLA leave for cleanup or recovery efforts for a major disaster or emergency situation. The purposes for which FMLA leave may be used are cited in law, and include caring for a spouse, son, daughter, or parent with a serious health condition. OPM does not have authority to expand the purposes for which FMLA leave may be used.

Forms for Donating/Receiving Annual Leave

OPM has developed the following forms to facilitate the transfer of donated annual leave under the emergency leave transfer program:

(1) OPM Form 1637, "Application to Become a Leave Recipient Under the Emergency Leave Transfer Program";

(2) OPM Form 1638, "Request to Donate Annual Leave Under the Emergency Leave Transfer Program"; and

(3) OPM Form 1639, "Transfer of Donated Annual Leave To/From the Emergency Leave Transfer Program".

These forms can be accessed on OPM's internet web site at *http://www.opm.gov/forms/html/emerg.htm*.

Voluntary Leave Transfer and Leave Bank Programs

One agency recommended merging the emergency leave transfer program established for emergencies or major disasters with the existing voluntary leave transfer and leave bank programs established for medical emergencies. A separate law was enacted to establish the emergency leave transfer program, and the program provides benefits for different purposes and with fewer requirements. It would not be feasible to merge the emergency leave transfer program with the voluntary leave transfer and leave bank programs.

Miscellaneous

One agency noted that the word "voluntary" is not used in the Emergency Leave Transfer Program. Participation in the emergency leave transfer program is strictly voluntary. Section 630.1109 of the final regulations provides that an employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using donated annual leave.

One agency perceived an inequity for Federal employees in small rural areas because disasters that may occur in these areas may not receive a Presidential emergency declaration and employees in these areas therefore may not receive donated annual leave from an emergency leave transfer program.

If an emergency leave transfer program is not established in a small rural area, employees affected by a major disaster may continue to participate in their agency's existing voluntary leave transfer and leave bank programs. We believe these programs will be sufficient to cover the needs of most employees in the event of a major disaster or emergency. Further, the existing voluntary leave transfer program permits agencies to receive donations of annual leave from employees in other agencies when it is determined that such a transfer of leave would further the purpose of the program. (See § 630.906(f)(3).)

One individual suggested that employees be allowed to "cash out" donated leave to use for expenses related to emergency situations. There is no legal authority to provide cash to employees in lieu of donated annual leave.

One agency asked whether the emergency leave transfer program applies to Foreign Service employees. The law governing the emergency leave transfer program defines "agency" as an Executive agency and "employee" as an employee covered by chapter 63 of title 5, United States Code. Therefore, the emergency leave transfer program applies to any member of the Senior Foreign Service or any Foreign Service officer (other than a member or officer serving as chief of mission or in a position that requires appointment by and with the advice and consent of the Senate) and any member of the Foreign Service commissioned as a diplomatic or consular officer, or both, under section 312 of the Foreign Service Act of 1980. (See 5 U.S.C. 6391(a)(2) and 6301(2).)

Recordkeeping

Two agencies suggested that OPM establish a Governmentwide tracking system to identify and track annual leave donations under the emergency leave transfer program. Since payroll systems vary from agency to agency, a uniform tracking and record maintenance system is not feasible.

Technical Corrections

We are also taking advantage of the publication of these final regulations to correct two erroneous citations in § 630.310 concerning the scheduling of annual leave by employees deemed necessary for year 2000 computer conversion efforts.

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 630

Government employees.

Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, OPM is amending part 630 of title 5 of the Code of Federal Regulations as follows:

PART 630—ABSENCE AND LEAVE

1. The authority citation for part 630 is revised to read as follows:

Authority: 5 U.S.C. 6311; § 630.301 also issued under Pub. L. 103–356, 108 Stat. 3410; § 630.303 also issued under 5 U.S.C. 6133(a); §§ 630.306 and 630.308 also issued under 5 U.S.C. 6304(d)(3), Pub. L. 102–484, 106 Stat. 2722, and Pub. L. 103–337, 108 Stat. 2663; subpart D also issued under Pub. L. 103–329, 108 Stat. 2423; § 630.501 and subpart F also issued under E.O. 11228, 30 FR 7739, 3 CFR, 1974 Comp., p. 163; subpart G also issued under 5 U.S.C. 6305; subpart H also issued under 5 U.S.C. 6326; subpart I also issued under 5 U.S.C. 6332, Pub. L. 100–566, 102 Stat. 2834, and Pub. L. 103–103, 107 Stat. 1022; subpart J also issued under 5 U.S.C. 6362, Pub. L. 100–566, and Pub. L. 103–103; subpart K also issued under Pub. L. 105–18, 111 Stat. 158; subpart L also issued under 5 U.S.C. 6387 and Pub. L. 103–3, 107 Stat. 23; and subpart M also issued under 5 U.S.C. 6391 and Pub. L. 102–25, 105 Stat. 92.

Subpart C—Annual Leave

§ 630.310 [Amended]

2. In § 630.310(b), "630.208" is corrected to read "630.308."

3. In § 630.310(d), "630.308" is corrected to read "630.306."

[Subpart K—Redesignated as Subpart M]

4. In part 630, subpart K (consisting of §§ 630.1101 through 630.1109) is redesignated as subpart M (consisting of §§ 630.1301 through 630.1309), and a new subpart K (consisting of §§ 630.1101 through 630.1109) is added to read as follows:

Subpart K—Emergency Leave Transfer Program

Sec.
630.1101 Purpose, applicability, and administration.
630.1102 Definitions.

630.1103 Establishment of an emergency leave transfer program.
630.1104 Application to become an emergency leave recipient.
630.1105 Approval of application to become an emergency leave recipient.
630.1106 Limitations on donation and use of annual leave.
630.1107 Governmentwide transfer of emergency leave.
630.1108 Termination of disaster or emergency.
630.1109 Prohibition of coercion.

§ 630.1101 Purpose, applicability, and administration.

(a) *Purpose.* This subpart provides regulations to implement section 6391 of title 5, United States Code, and must be read together with section 6391. Section 6391 of title 5, United States Code, provides that in the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management (OPM) to establish an emergency leave transfer program under which an employee may donate unused annual leave for transfer to employees of his or her agency or to employees in other Executive agencies who are adversely affected by such disaster or emergency.

(b) *Applicability.* This subpart applies to any individual who is defined as an "employee" in 5 U.S.C. 6331(1) and who is employed in an Executive agency.

(c) *Administration.* The head of each agency having employees subject to this subpart is responsible for the proper administration of this subpart. Each Federal agency must establish and administer procedures to permit the voluntary transfer of annual leave consistent with this subpart.

§ 630.1102 Definitions.

In this subpart—

Agency means an "Executive agency," as defined in 5 U.S.C. 105.

Disaster or emergency means a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees (e.g., loss of life or property, serious injury, or mental illness as a result of a direct threat to life or health).

Emergency leave donor means a current employee whose voluntary written request for transfer of annual leave to an emergency leave transfer program is approved by his or her employing agency.

Emergency leave transfer program means a program established by OPM that permits Federal employees to transfer their unused annual leave to other Federal employees adversely affected by a disaster or emergency, as declared by the President.

Emergency leave recipient means a current employee for whom the employing agency has approved an application to receive annual leave from an emergency leave transfer program.

Employee has the meaning given that term in 5 U.S.C. 6331(1).

Family member has the meaning given that term in § 630.902.

Leave year has the meaning given that term in § 630.201.

Paid leave status under subchapter I has the meaning given that term in § 630.902.

§ 630.1103 Establishment of an emergency leave transfer program.

(a) When directed by the President, OPM will establish an emergency leave transfer program that permits an employee to donate his or her accrued annual leave to employees of the same or other Executive agencies who are adversely affected by such a disaster or emergency.

(b) OPM will notify agencies of the establishment of an emergency leave transfer program for a specific disaster or emergency, as declared by the President. Once notified, each agency affected by the disaster or emergency is authorized to do the following:

(1) Determine whether, and how much, donated annual leave is needed by affected employees;

(2) Approve leave donors and/or leave recipients in their agencies, as appropriate;

(3) Facilitate the distribution of donated annual leave from approved leave donors to approved leave recipients within their agencies; and

(4) Determine the period of time for which donated annual leave may be accepted for distribution to approved leave recipients.

(c) A leave bank established under subchapter IV of chapter 63 of title 5, United States Code, and subpart J of part 630 may, with the concurrence of the leave bank board established under § 630.1003, donate annual leave to an emergency leave transfer program administered by the leave bank's employing agency.

§ 630.1104 Application to become an emergency leave recipient.

(a) An employee who has been adversely affected by a disaster or emergency may make written application to his or her employing agency to become an emergency leave recipient. If an employee is not capable of making written application, a personal representative of the potential leave recipient may make written application on his or her behalf.

(b) An employee who has a family member who has been adversely affected by a disaster or emergency may also make written application to his or her employing agency to become an emergency leave recipient. An emergency leave recipient may use donated annual leave to assist an affected family member, provided such family member has no reasonable access to other forms of assistance.

(c) For the purpose of this subpart, an employee will be considered to be adversely affected by a major disaster or emergency if the disaster or emergency has caused severe hardship to the employee or a family member of the employee to such a degree that the employee's absence from work is required.

(d) The employee's application must be accompanied by the following information concerning each potential leave recipient:

(1) The name, position title, and grade or pay level of the potential emergency leave recipient;

(2) A statement describing his or her need for leave from the emergency leave transfer program;

(3) Any additional information that may be required by the potential leave recipient's employing agency.

(e) Agencies may administratively determine a time period by which employees must apply to become an emergency leave recipient after the occurrence of a major disaster or emergency.

§ 630.1105 Approval of application to become an emergency leave recipient.

(a) The potential emergency leave recipient's employing agency will review the application to become a leave recipient under procedures established by the employing agency for the purpose of determining that the potential leave recipient is or has been affected by the major disaster or emergency.

(b) If the application is approved, the employing agency must notify the leave recipient (or his or her personal representative) within 10 calendar days (excluding Saturdays, Sundays, and legal public holidays) after the date the application was received (or the date the employing agency established its administrative procedures, if that date is later).

(c) If the application is not approved, the employing agency must notify the applicant (or the personal representative who made application on behalf of the potential emergency leave recipient) within 10 calendar days (excluding

Saturdays, Sundays, and legal public holidays) after the date the application was received (or the date the employing agency establishes its administrative procedures, if that date is later). The agency must give the reasons for its disapproval.

(d) An approved emergency leave recipient is not required to exhaust his or her accrued annual and sick leave before receiving donated leave under the emergency leave transfer program.

§ 630.1106 Limitations on donation and use of annual leave.

(a) An employee may voluntarily submit a written request to his or her employing agency that a specified number of hours of his or her accrued annual leave, consistent with the limitations in paragraph (b) of this section, be transferred from his or her annual leave account to an emergency leave transfer program established under § 630.1103(b). An emergency leave donor may not donate annual leave for transfer to a specific emergency leave recipient under this subpart.

(b) An emergency leave donor may not contribute less than 1 hour nor more than 104 hours of annual leave in a leave year. Each agency may establish written criteria for waiving the 104-hour limitation on donating annual leave in a leave year.

(c) Annual leave donated under this subpart may not be applied against the limitations on the donation of annual leave under the voluntary leave transfer or leave bank programs established under 5 U.S.C. 6332 and 6362, respectively.

(d) An emergency leave recipient may receive a maximum of 240 hours of donated annual leave at any one time from an emergency leave transfer program for each disaster or emergency.

(e) Each emergency leave recipient must use the donated annual leave for purposes related to the disaster or emergency for which the emergency leave recipient was approved.

(f) Annual leave transferred under this subpart may be—

(1) Substituted retroactively for any period of leave without pay used because of the adverse effects of the disaster or emergency; or

(2) Used to liquidate an indebtedness incurred by the emergency leave recipient for advance annual or sick leave used due to the adverse effects of the disaster or emergency. An agency may advance an emergency leave recipient annual or sick leave, as appropriate (even if the employee has available annual and sick leave), so that the emergency leave recipient is not forced to use his or her accrued leave before donated annual leave becomes available.

(g) While an emergency leave recipient is using donated annual leave from an emergency leave transfer program, annual and sick leave will accrue to the credit of the employee at the same rate as if the employee were in a paid leave status under subchapter I of chapter 63 of title 5, United States Code, and will be subject to the limitations imposed by 5 U.S.C. 6304(a), (b), (c), and (f) at the end of the leave year in which the transferred annual leave is received.

(h) Annual leave transferred under this subpart may not be—

(1) Included in a lump-sum payment under 5 U.S.C. 5551 or 5552;

(2) Made available for recredit under 5 U.S.C. 6306 upon reemployment by a Federal agency; or

(3) Used to establish initial eligibility for immediate retirement or acquire eligibility to continue health benefits into retirement under 5 U.S.C. 6302(g).

(i) Agencies are responsible for ensuring that annual leave donated under the emergency leave transfer program is used appropriately.

§ 630.1107 Governmentwide transfer of emergency leave.

(a) If an agency does not receive sufficient amounts of donated annual leave to meet the needs of approved emergency leave recipients within the agency, the agency may contact OPM for assistance. The agency must notify OPM of the total amount of donated annual leave needed for transfer to its approved emergency leave recipients. OPM will solicit and coordinate the transfer of donated annual leave from other Federal agencies to affected agencies who may have a shortfall of donated annual leave. OPM will determine the period of time for which donations of accrued annual leave may be accepted for transfer to affected agencies.

(b) Each Federal agency contacted by OPM for the purpose of providing donated annual leave to an agency in need will—

(1) Approve leave donors under the conditions specified in § 630.1106(a) and (b) and determine how much donated annual leave is available for transfer to an affected agency;

(2) Maintain records on the amount of leave donated by each emergency leave donor to the emergency leave transfer program (for the purpose of restoring unused transferred annual leave under § 630.1108(c));

(3) Report the total amount of annual leave donated to the emergency leave transfer program to OPM; and

(4) When OPM has accepted the donated annual leave, debit the amount of annual leave donated to the emergency leave transfer program from each emergency leave donor's annual leave account.

(c) OPM will notify each affected agency of the aggregate amount of donated annual leave that will be credited to the agency for transfer by the agency to its approved emergency leave recipient(s). The affected agency will determine the amount of donated annual leave to be transferred to each emergency leave recipient (an amount that may vary according to individual needs).

(d) The affected agency must credit the annual leave account of each approved emergency leave recipient as soon as possible after the date OPM notifies the agency of the amount of donated annual leave that will be credited to the agency under paragraph (b) of this section.

(e) Any annual leave donated to an emergency leave transfer program that is not used by the approved emergency leave recipients will be returned by OPM to the donating agencies for restoring to their emergency leave donors under § 630.1108(b). The donating agencies must determine the amount of donated annual leave to be returned to each of their emergency leave donors consistent with the provisions in § 630.1108(c).

§ 630.1108 Termination of disaster or emergency.

(a) The disaster or emergency affecting an emergency leave recipient terminates—

(1) When the employing agency or OPM determines that the disaster or emergency has terminated;

(2) When the emergency leave recipient's Federal service terminates;

(3) At the end of the biweekly pay period in which the emergency leave recipient, or his or her personal representative, notifies the employing agency that he or she is no longer affected by such disaster or emergency;

(4) At the end of the biweekly pay period in which the employing agency determines, after written notice from the agency and an opportunity for the emergency leave recipient or his or her personal representative to answer orally or in writing, that the emergency leave recipient is no longer affected by such disaster or emergency; or

(5) At the end of the biweekly pay period in which the emergency leave recipient's employing agency receives notice that OPM has approved an application for disability retirement for the emergency leave recipient under the

Civil Service Retirement System or the Federal Employees' Retirement System, as appropriate.

(b) When a disaster or emergency affecting an emergency leave recipient is terminated, any annual leave donated to an emergency leave transfer program that is not used by an approved emergency leave recipient must be returned to the emergency leave donors. The amount of remaining annual leave to be returned to each emergency leave donor must be proportional to the amount of annual leave donated by the employee to the emergency leave transfer program for such disaster or emergency. Annual leave donated to an emergency leave transfer program for a specific disaster or emergency may not be transferred to another emergency leave transfer program established for a different disaster or emergency.

(c) Under procedures established by the donating agency, the agency will determine the amount of annual leave returned under paragraph (b) of this section to be restored to each of the emergency leave donors who, on the date leave restoration is made, is employed by a Federal agency. At the election of the emergency leave donor, unused transferred annual leave restored to the emergency leave donor may be restored by—

(1) Crediting the restored annual leave to the emergency leave donor's annual leave account in the current leave year; or

(2) Crediting the restored annual leave to the emergency leave donor's annual leave account effective as of the first day of the following leave year.

§ 630.1109 Prohibition of coercion.

(a) An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using annual leave under this subpart.

(b) For the purpose of paragraph (a) of this section, the term "intimidate, threaten, or coerce" includes promising to confer or conferring any benefit (such as appointment or promotion or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

5. In the newly redesignated subpart M, for each section indicated in the left column, the citations in the middle column are removed wherever they appear in the section, and the citations in the right column are added to read as follows:

§§ 630.1304, 630.1308, and 630.1309 [Amended]

Section	Remove	Add
630.1304	§ 630.1109(b)(1)	§ 630.1309(b)(1)
630.1308	§ 630.1107	§ 630.1307
630.1309	§ 630.1104(c)	§ 630.1304(c)
630.1309	§ 630.1103(b)	§ 630.1303(b)

[FR Doc. 99–33361 Filed 12–23–99; 8:45 am]
BILLING CODE 6325–01–P

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 831 and 842

RIN 3206–A125

Retirement; Technical Amendment

AGENCY: Office of Personnel Management.

ACTION: Amendment to interim regulations.

SUMMARY: The Office of Personnel Management (OPM) is amending the October 4, 1999, interim regulations concerning voluntary early retirement authority. The amendment removes paragraphs from 5 CFR 831.114 and 842.213 which were inadvertently retained when the interim regulations were published.

DATES: These regulations are effective October 4, 1999.

FOR FURTHER INFORMATION CONTACT: Charles Gray at (202) 606–0960, FAX (202) 606–2329, e-mail cwgray@opm.gov.

SUPPLEMENTARY INFORMATION

Background

On October 4, 1999, OPM published interim regulations (64 FR 53581) which (1) Removed the September 30, 1999, sunset date for agencies to request voluntary early retirement authority, and (2) Made the regulations at 5 CFR 831.114 and 842.213 permanent. Comments on these interim regulations are due on December 3, 1999. However, 5 CFR 831.114(i) and 842.213(i), were inadvertently retained. They make reference to the September 30, 1999, sunset date.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities (including small businesses, small organizational units, and small governmental jurisdictions) because the regulations only affect Federal employees.

Waiver of Notice of Proposed Rulemaking and 30-Day Delay of Effective Date

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking because it would be contrary to the public interest. Also, pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists to make this amendment effective in less than 30 days. The general notice of proposed rulemaking and delay in the effective date are being waived because the technical amendment to these regulations allows OPM to fully implement statutory language in Sec. 651 of the Treasury and General Government Appropriations Act for Fiscal Year 2000 governing voluntary early retirements which was effective May 1, 1998, and to give full effect to benefits extended by that statute.

List of Subjects in 5 CFR Parts 831 and 842

Administrative practice and procedure, Air traffic controllers, Alimony, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Intergovernmental relations, Law enforcement officers, Pensions, Reporting and recordkeeping requirements, Retirement.

Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, OPM is amending parts 831 and 842 of title 5, Code of Federal Regulations, as follows:

PART 831—RETIREMENT

1. The authority citation for part 831 is revised to read as follows:

Authority: 5 U.S.C. 8347; § 831.102 also issued under 5 U.S.C. 8334; § 831.106 also