

a period of annual leave for any of the purposes described in § 630.401(a).

(b) An employee's entitlement to use sick leave to care for a family member under § 630.401 shall be considered as available paid leave for the purpose of determining an employee's eligibility to become a leave recipient under the voluntary leave transfer and leave bank program established under subchapters III and IV of title 5, United States Code, if the medical emergency involves a family member of the employee.

(c) In the case of an employee already in a shared leave status (*i.e.*, using donated annual leave) on June 20, 2000 under the voluntary leave transfer or leave bank programs established under subchapters III and IV of chapter 63 of title 5, United States Code, any sick leave available to care for a family member under § 630.401 must be used before continuing to use transferred annual leave or annual leave withdrawn from a leave bank.

[59 FR 62271, Dec. 2, 1994, as amended at 65 FR 37240, June 13, 2000]

**§ 630.406 Part-time employees; earnings.**

A part-time employee earns 1 hour of sick leave for each 20 hours in a pay status.

**§ 630.407 Sick leave used in computation of annuity.**

Sick leave which is used in the computation of annuity for an employee shall be charged against his sick leave account and may not thereafter be used, transferred, or recredited.

[34 FR 17617, Oct. 31, 1969]

**§ 630.408 Records and reports.**

(a) Beginning with leave year 1995, each agency shall maintain records concerning the use of sick leave to care for a family member or to make arrangements for or attend the funeral of a family member under § 630.401(a) (3) and (4) and shall report such information as may be required by the Office of Personnel Management (OPM) for the purpose of evaluating the use of sick leave.

(b) Beginning with leave year 1995, each agency shall maintain the fol-

lowing information by leave year for each employee using sick leave for the purpose described in § 630.401(a) (3) or (4):

(1) The grade or pay level and gender of each employee;

(2) The total number of hours of sick leave used by each employee—

(i) For the purposes described in § 630.401(a) (3) or (4); and

(ii) For all other purposes described in § 630.401(a); and

(3) Any additional information OPM may require.

[59 FR 62271, Dec. 2, 1994]

**§ 630.409 Substitution of sick leave for annual leave for adoption-related purposes.**

(a) Upon the written request of an employee under the procedures set forth in paragraph (b) of this section, an individual who is employed by the Federal Government on September 30, 1994, or who is reemployed by the Federal Government on or after September 30, 1994, in a position covered by subchapter I of chapter 63 of title 5, United States Code, may elect to substitute his or her accrued and accumulated sick leave for all or any portion of any annual leave used for purposes relating to the adoption of a child between September 30, 1991, and September 30, 1994.

(b) An employee's written request under paragraph (a) of this section to substitute any accrued and accumulated sick leave for annual leave used for adoption-related purposes must be submitted to his or her employing agency by September 30, 1996. The employee's written request shall—

(1) Specify the period(s) and amount(s) of annual leave involved;

(2) Include copies of any available contemporaneous earnings and leave statement(s) or other contemporaneous documentation acceptable to the agency that specifies the period(s) and amount(s) of annual leave used by the employee for purposes relating to the adoption of a child between September 30, 1991, and September 30, 1994;

(3) Specify the amount(s) of accrued and accumulated sick leave to be substituted under paragraph (b)(1) of this section; and

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(4) Include evidence of the adoption that is administratively acceptable to the employing agency.

(c) In the absence of a written request by the employee that meets the requirements of paragraph (b) of this section, no substitution of sick leave may be approved under this section.

(d) Within a reasonable period of time after receiving an employee's written request that meets the requirements set forth in paragraph (b) of this section, the employing agency shall—

(1) Deduct from the employee's sick leave account any amount(s) of accrued and accumulated sick leave the employee elects to substitute for annual leave used for adoption-related purposes between September 30, 1991, and September 30, 1994, that is supported by written documentation acceptable to the employing agency; and

(2) Credit the employee's annual leave account with an amount of annual leave equal to the amount of sick leave the employee elects to substitute under paragraphs (a) and (b) of this section.

(e) If the agency determines that insufficient written documentation exists to honor the employee's request, the employing agency shall inform the employee of this determination in writing.

(f) Any annual leave credited to an employee's current annual leave account under paragraph (d)(2) of this section shall be available for use by the employee on or after the date the annual leave is credited in the same manner and for the same purposes as the employee's current accrued and accumulated annual leave. The annual leave credited to an employee under this section may not be substituted for any period of otherwise paid leave or leave without pay used prior to the date the annual leave is credited to the employee's annual leave account under paragraph (d)(2) of this section.

[59 FR 62274, Dec. 2, 1994]

**Subpart E—Recredit of Leave**

**§ 630.501 Annual leave recredit.**

(a) When an employee transfers between positions under subchapter I of chapter 63 of title 5, United States

Code, the agency from which he transfers shall certify his annual leave account to the employing agency for credit or charge.

(b) When annual leave is transferred between different leave systems under section 6308 of title 5, United States Code, or is recredited under a different leave system as the result of a refund under section 6306 of that title, 7 calendar days of annual leave are deemed equal to 5 workdays of annual leave.

[35 FR 18581, Dec. 8, 1970]

**§ 630.502 Sick leave recredit.**

(a) When an employee transfers between positions under subchapter I of chapter 63 of title 5, United States Code, the agency from which the employee transfers shall certify his or her sick leave account to the employing agency for credit or charge.

(b) Except as provided in § 630.407 and in paragraph (c) of this section, an employee who has had a break in service is entitled to a recredit of sick leave (without regard to the date of his or her separation), if he or she returns to Federal employment on or after December 2, 1994, unless the sick leave was forfeited upon reemployment in the Federal Government before December 2, 1994.

(c) Except as provided in § 630.407, an employee of the government of the District of Columbia who was first employed by the government of the District of Columbia before October 1, 1987, who has had a break in service is entitled to a recredit of sick leave (without regard to the date of his or her separation), if he or she returns to Federal employment on or after December 2, 1994, unless the sick leave was forfeited upon reemployment in the Federal Government before December 2, 1994.

(d) When sick leave is transferred between different leave systems under section 6308 of title 5, United States Code, 7 calendar days of sick leave are deemed equal to 5 workdays of sick leave.

(e) An employee who transfers to a position under a different leave system to which he or she can transfer only a part of his or her sick leave is entitled to a recredit of the untransferred sick leave (without regard to the date of the