

GOVERNMENT MANAGERS COALITION

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September 14, 2020

The Honorable Michael Rigas
Acting Director
Office of Personnel Management
1900 E Street, NW
Washington, DC 20415

The Honorable Michael Rigas
Acting Deputy Director for Management
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Re: Emergency Leave Transfer for Federal Employees Adversely Affected by COVID-19

Dear Mr. Rigas:

The Government Managers Coalition (GMC) consists of the five major federal-sector executive and management professional associations representing over 250,000 executives and managers in the federal government. The GMC advocates on behalf of commonly held beliefs within the community of federal executives and managers regarding the formulation, implementation and execution of good governance and policies throughout the federal workforce. We write to call upon the administration to establish an emergency leave transfer program (ELTP) due to COVID-19.

On March 13, 2020, President Trump declared a national emergency concerning the COVID-19 outbreak.¹ Every aspect of life has been upended during the pandemic, and the federal workforce has remained resilient in serving the American people, pivoting to telework and flexible arrangements, with many braving personal risks to return to facilities to continue serving the public. This dedication has not come without stress and challenge, especially for those employees with caregiving responsibilities, including for school-age children who may be doing remote-school from home, and physical and mental health concerns.

According to OPM's most recent memo establishing an ELTP released following Hurricane Dorian in 2019², "An ELTP permits employees in the executive and judicial branches, or agency leave banks established under 5 U.S.C. 6363, to donate unused annual leave for transfer to employees of the same or other agencies (or the judicial branch) who are adversely affected by a major disaster or emergency, either directly or through adversely affected family members, and who need additional time off from work without having to use their own paid leave. Employees who are adversely affected and seek to become emergency leave recipients must apply in writing to their agencies. An employee who is unable to do so on their own may apply through a

¹ Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak, March 13, 2020

<https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>

² OPM Memorandum, Emergency Leave Transfer for Federal Employees Adversely Affected by Hurricane Dorian, September 27, 2019 <https://www.chcoc.gov/content/emergency-leave-transfer-federal-employees-adversely-affected-hurricane-dorian>

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personal representative (5 CFR 630.1105). The ELTP will be in place to assist approved leave recipients as the need for donated annual leave becomes known.”

Agencies are responsible for managing an ELTP and are charged with doing so by OPM’s guidance, given they “are in the best position to determine whether, and how much, donated annual leave is needed by their employees and which of their employees have been adversely affected by the emergency within the meaning of OPM regulations. They are also in the best position to quickly facilitate the transfer of donated annual leave within their agencies.”

Due to the ongoing management challenges that the COVID-19 pandemic presents for our workforce, the GMC believes the federal government would benefit from the establishment of an ELTP, both as a management tool and as a means by which to support our workforce. An ELTP would be a novel solution, especially for employees with caregiving responsibilities affected by school and daycare closures.

1. There is no material cost to the agency – the program is funded with donated annual leave balances.
2. This helps parents with non-portable work have an avenue to apply for additional annual leave.
3. This helps the agency spend down accrued annual leave balances.
4. This provides a vehicle for employees to spend down their use-or-lose annual balance.

Based on the March 13, 2020, Presidential Declaration, as well as ongoing interpretations of COVID-19 as a disaster for the purposes of invoking presidential authorities under the Defense Production Act as well as the Stafford Act, we call on the administration to establish an ELTP due to COVID-19. Doing so would empower agencies with a tool they may employ to benefit their dedicated employees who have worked so hard for taxpayers during this entire pandemic.

Thank you for considering the GMC’s perspective. Please contact Jason Briefel (jbriefel@shawbransford.com) if you wish to further discuss this subject.

Sincerely,



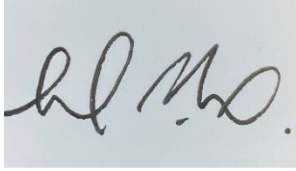
MCKAY GERBER
President
FAA Managers Association



CRAIG CARTER
President
Federal Managers Association

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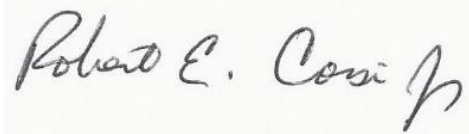
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National President
Professional Managers Association



DAVID LESCARINI
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National Council of Social Security
Management Associations



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Interim President
Senior Executives Association