



STATEMENT OF

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TO THE  
SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE,  
AND CIVIL SERVICE

SENATE GOVERNMENTAL AFFAIRS COMMITTEE

ON

THE FEDERAL EMPLOYEES LEAVE BANK ACT OF 1988  
S. 2140

MARCH 18, 1988

Chairman Pryor, Members of the Subcommittee:

I am Robert Tobias, National President of the National Treasury Employees Union. I would like to thank you for giving NTEU the opportunity to express its support for S. 2140, the Federal Employees Leave Bank Act of 1988. This legislation would allow federal employees to help colleagues who are experiencing a personal hardship. As the exclusive representative of over 130,000 federal employees throughout 18 government agencies, NTEU fully supports this measure, and would like to commend you, Mr. Chairman, for introducing it and holding this hearing today.

The current system of earning and using leave is not always adequate. In instances where an employee or family member has a serious illness or medical condition, the amount of time required to stay home to recuperate or care for a loved one can quickly diminish any accumulated leave. Unfortunately, the only options available to an employee in that situation are leave without pay or simply quitting the job. Leave sharing offers an answer to this problem.

The concept of leave sharing is relatively new to the federal government. The first federal leave sharing effort took place in 1986, when a private bill providing a program for NTEU members Shannon and Joseph Chiles was enacted by Congress. Shannon Chiles had terminal cancer, and her husband was caring for her. Shannon and Joe had used up all their

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annual leave and were taking leave without pay. Dozens of IRS employees offered to donate unused sick and annual leave to the couple, and management would have agreed to the leave sharing, but was prohibited from doing so by federal law. (See 5 USC, Sections 6301 and 6307).

The Chiles' NTEU Chapter, Chapter 77, took the issue to their Representative, Congressman William Lehman. In the final days of the 99th Congress, legislation was enacted that allowed IRS workers in Florida to donate unused leave time to the couple.

The response was impressive. Several hundred employees, both management and bargaining unit members, donated about 5,000 sick leave hours and 1,500 annual leave hours to the Chiles family. In our December 1986 monthly union newsletter, we ran an article on Shannon and Joseph Chiles. We received an overwhelming response from federal employees who read the article and wanted to know if they could donate leave to the Chiles or others they knew to be in need.

Congressman Frank Wolf authored language in the Fiscal Year 1987 Continuing Resolution, PL 99-591, which authorized the Office of Personnel Management (OPM) to conduct an experiment on federal leave sharing. The experiment, which allowed for 3 participants, was an overwhelming success. The need for such a program was underscored by the fact that about 250 people applied to be one of the 3 participants in a period of 30 days. Congress recognized this need again in the Fiscal Year

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1988 Continuing Resolution, by continuing and expanding the leave sharing experiment, making it available to an unlimited number of employees until September 30, 1988. This extension was enacted with the intent of authorizing a permanent program this year. Currently at NTEU, we hear almost daily from our membership about co-workers who could benefit from this important program.

The leave bank approach to establishing a permanent leave sharing program taken in S. 2140 differs from the House bill, H.R. 3757. The House legislation primarily provides for direct donations of leave from one employee to another, although it does provide for a one agency experiment with a leave bank. There are definite merits to both approaches. A leave bank system eliminates the serious administrative problem of dealing with the restoration of unused donated leave. It also provides a degree of privacy for the leave recipient, which could be very important to some individuals who, for whatever reason, do not want their circumstances widely known. On the other hand, one of the benefits of a direct donation approach is that some employees may be more inclined to donate leave for a person they know, or a situation they are informed about, rather than to a blind bank.

OPM has raised administrative concerns about both direct donations, because of the problems of restoration of leave to the donor, and leave banks, because of the degree of "administrative machinery" that would be involved. Since

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neither approach has been tried on a widespread basis, it is hard to know which would be more utilized by the employees or which is less administratively cumbersome.

We feel that the best way to address this situation legislatively would be to authorize a program experimenting with both leave banks and direct donations for a period of five years. The Leave Bank Boards that S. 2140 would establish for each agency could determine which approach would be suitable for that agency. They could even decide that a leave bank would be the best system in one region or other subdivision of the agency, and that a direct donation program would be more appropriate to another. The Board members would have the working knowledge of the agency needed to determine which approach would best address the needs of the employees, and be the most administratively feasible. It seems to us that this is the best way to actually find out which program would have the most long-term success,

We would urge you, further, to include some provision allowing for the donation of sick leave in S. 2140. We believe that any leave sharing program should include both sick and annual leave, and would urge that, at the very least, provisions similar to those in H.R. 3757, allowing for two sick leave donation experiments, be added to the bill.

S. 2140, like the House bill, mandates that all leave sharing will be done solely on a voluntary basis. It contains language prohibiting coercion to insure that no one is forced

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to participate against their will. We agree with this concept of voluntary participation, and believe that only the employee should decide how his or her annual leave is going to be used.

We also support Section 6334, which establishes a 3 person Leave Bank Board in each agency to administer the leave bank. The Board is required to have at least one representative of a labor organization or employee group, which we feel is crucial to the effective administration of the leave banks.

In closing, we feel that the establishment of a long-term, government-wide leave sharing program is an idea whose time has come. Federal employees have demonstrated their desire to participate in such a program and help their colleagues in need. Leave sharing is a no-lose situation for the government, both financially and in terms of employee morale.

Leave sharing may actually save the government money. Leave is donated on an "hour to hour" basis, with no monetary value given to the annual leave. Savings were accrued in the OPM leave sharing experiment because most employees who are in a position to donate leave have established seniority in the government. These employees tend to be in the higher GS grades and would receive the leave, or payment for the leave, at a higher scale than that of the leave sharing participant, in many cases. Furthermore, the retention of competent workers who return after absences on shared leave time will save the government additional money by eliminating the need to recruit and train new employees.

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While we urge changes to incorporate sick leave, and to experiment with both leave banks and direct leave donations, NTEU supports the Federal Employees Leave Bank Act of 1988. We look forward to working with the members of this subcommittee to ensure enactment of leave sharing legislation.

I will be happy to answer any questions you might have.

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