

**VACATION DONATION PROGRAM  
(FOR MAJOR DISASTERS)  
Revised July 1, 2015**

Disaster means a major disaster, 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).

**Application to become a disaster relief vacation donation recipient.**

- (a) An employee who has been adversely affected by a major disaster may make written application to become a disaster relief vacation donation recipient. If an employee is not capable of making written application, a personal representative may make written application on behalf of the employee. Such application must first be approved by the employee's supervisor/manager and then forwarded to the Benefits Office.
  
- (b) An employee who has a family member who has been adversely affected by a disaster also may make written application to the Benefits Office to become a disaster relief vacation donation recipient. A disaster relief vacation donation recipient may use donated vacation time to assist an affected family member, provided such family member has no reasonable access to other forms of assistance.

*Family member* means an individual with any of the following relationships to the employee:

- (1) Spouse, and parents thereof;
- (2) Sons and daughters, and spouses thereof;
- (3) Parents, and spouses thereof;
- (4) Brothers and sisters, and spouses thereof;
- (5) Grandparents and grandchildren, and spouses thereof;
- (6) Domestic partner and parents thereof, including domestic partners of any individual in paragraphs (2) through (5) of this definition; and
- (7) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

*Parent* means:

- (1) A biological, adoptive, step, or foster parent of the employee, or a person who was a foster parent of the employee when the employee was a minor;
- (2) A person who is the legal guardian of the employee or was the legal guardian of the employee when the employee was a minor or required a legal guardian; or
- (3) A person who stands *in loco parentis* to the employee or stood *in loco parentis* to the employee when the employee was a minor or required someone to stand *in loco parentis*.
- (4) A parent, as described in paragraphs (1) through (3) of this definition, of an employee's spouse or domestic partner. *Shared leave status* means the administrative status of an employee while the employee is using transferred leave under this subpart or leave transferred from a leave bank under subpart J of this part.

*Son or daughter* means:

- (1) A biological, adopted, step, or foster son or daughter of the employee;
- (2) A person who is a legal ward or was a legal ward of the employee when that individual was a minor or required a legal guardian;
- (3) A person for whom the employee stands *in loco parentis* or stood *in loco parentis* when that individual was a minor or required someone to stand *in loco parentis*; or
- (4) A son or daughter, as described in paragraphs (1) through (3) of this definition, of an employee's spouse or domestic partner.

- (c) For the purpose of this subpart, an employee is considered to be adversely affected by a major disaster if the disaster has caused the employee, or a family member of the employee, severe hardship to such a degree that his or her absence from work is required.
- (d) The employee's application must be accompanied by the following information and must be approved by the employee's supervisor/manager before it is forwarded to the Benefit Office:
  - (1) The name and life number of the potential disaster relief vacation donation recipient;
  - (2) A statement describing his or her need for leave from the disaster relief vacation donation program and the amount of time requested; and
  - (3) Any additional information that may be required by the Benefits Office.
- (e) Fiscal and Human Resources will determine a time period by which an employee must apply to become a disaster relief vacation donation recipient after the occurrence of a disaster or emergency, as defined in § 630.1102.

**Fiscal and Human Resources will review the application to become a disaster relief vacation donation recipient.**

Fiscal and Human Resources will review an application to become a disaster relief vacation donation recipient under procedures that have been established for the purpose of determining that a potential leave recipient is or has been affected by a disaster, as defined above. Hours approved for a specific person will be based on donated time available in the disaster relief vacation donation program and the request received by the employee(s) in need.

**Notification of approval or disapproval of an application to become a disaster relief vacation donation recipient.**

Once the employee's application to become a disaster relief vacation donation recipient is either approved or disapproved, the Benefits Office must notify the employee (or his or her personal representative who made application on the employee's behalf) within 10 calendar days (excluding Saturdays, Sundays, and legal public holidays) after the date the application was received (or the date established by the Benefits Office, if that date is later). If disapproved, the Benefits Office must provide the reason for its disapproval.

**Use of available accrued vacation time.**

An approved disaster relief vacation donation recipient is not required to exhaust his or her accrued vacation time and sick leave before receiving donated vacation time under the disaster relief vacation donation program.

**Donating accrued vacation time.**

An employee may voluntarily submit a written request to the Benefits Office that a specified number of hours of his or her accrued vacation time, consistent with the limitations indicated below, be transferred from his or her accrued vacation time to a disaster relief vacation donation program established under § 630.1103. This donated vacation time will be placed in a disaster

relief vacation donation bank. A disaster relief vacation donor may not donate accrued vacation time for transfer to a specific emergency leave recipient under this subpart. Donated vacation time not used by a disaster relief vacation donation recipient must be returned to the disaster relief vacation bank as provided below.

**Limitation on the amount of accrued vacation time donated by an emergency leave donor.**

A disaster relief vacation donor may not contribute less than 1 hour or more than 104 hours of accrued vacation time in a calendar year to a disaster relief vacation donation program.

**Limitation on the amount of vacation time received by a disaster relief vacation donation recipient.**

A disaster relief vacation donation recipient may receive a maximum of 240 hours of donated vacation time at any one time from a disaster relief vacation donation program for each disaster. After taking into consideration the amount of donated disaster relief vacation time available to all approved disaster relief vacation donation recipients and the needs of individual recipients, the Benefits Office may allow an employee to receive additional disbursements of donated vacation time based on the employee's continuing need. Each disbursement of transferred vacation time may not exceed 240 hours. For all vacation donation accounts approved by the Benefits Office on or after July 1, 2015, the maximum hours that can be received by a part-time benefits eligible employee are pro-rated based on the employee's work schedule. For example, the maximum hours a recipient can receive who is working part-time at 50% is 120 hours.

**Using donated vacation time.**

(a) Any donated vacation time a disaster relief vacation donation recipient receives from a disaster relief vacation donation program may be used only for purposes related to the disaster for which the recipient was approved.

(b) Vacation time 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
- (2) Used to liquidate an indebtedness incurred by the disaster relief vacation donation recipient for advanced vacation time used because of the adverse effects of the disaster.

**Termination of a disaster.**

The disaster affecting the employee as vacation donation recipient terminates at the earliest occurrence of the following conditions.

- (a) When Fiscal and Human Resources determine that the disaster has terminated,
- (b) When the employee's employment with Brookhaven Science Associates, LLC terminates, or

- (c) At the end of the pay period in which the employee, or his or her personal representative, notifies the Benefits Office that he or she is no longer affected by such disaster.

**Procedures for returning unused donated vacation time to the disaster relief vacation donation bank and donors.**

- (a) When a disaster is terminated, any unused vacation time donated to the disaster relief vacation donation program will be returned to eligible disaster relief vacation donors.
- (b) Fiscal and Human Resources must determine the amount of vacation time to be restored to each of the disaster relief vacation donors. The amount of unused vacation time to be returned to each donor must be proportional to the amount of vacation time donated by the employee for such disaster, and will be returned according to the procedures outlined below. Any unused vacation time remaining after the distribution will be subject to forfeiture.
- (c) Any transferred vacation time remaining to the credit of a disaster relief vacation donation recipient when the disaster terminates shall be restored, as provided below, and to the extent administratively feasible, to the disaster relief vacation donation bank and then to the donors as indicated below.
- (d) The amount of unused donated vacation time to be restored to each donor shall be determined as follows:
  - (1) Divide the number of hours of unused donated vacation time by the total number of hours of donated vacation time;
  - (2) Multiply the ratio obtained in paragraph (1) of this section by the number of hours of vacation time donated by each donor eligible for restoration; and
  - (3) Round the result of the above obtained in paragraph (d)(2) of this section to the whole-hour (i.e. 1.6 rounds down to 1 hour).
- (e) If the total number of eligible vacation donors exceeds the total number of hours of vacation time to be restored, no unused donated vacation time shall be restored. In no case shall the amount of vacation time restored to a donor exceed the amount donated to the disaster relief vacation donation program by the donor.
- (f) If the donor terminates employment from Brookhaven Science Associates, LLC, dies, or is otherwise separated from employment before the date the unused transferred vacation time can be restored, then no vacation time shall be restored to such donor.
- (g) If the recipient terminates employment from Brookhaven Science Associates, LLC, dies, or is otherwise separated from employment before the date his or her disaster relief vacation donation is exhausted, then his or her unused donated time is restored to the disaster relief donation bank.