

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Public Health Service

Chapter CC49--Officers' Relations, Services, and Benefits
Subchapter CC49.1--Leave of Absence
Personnel INSTRUCTION 1--Annual, Sick, and Station Leave

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Section A. Purpose and Scope

The regulations set forth in Section B of this INSTRUCTION prescribe the requirements for granting annual, sick, and station leave for PHS commissioned officers. They also authorize placement of an officer in leave without pay status while on detail to a State or nonprofit institution.

Section B. Leave

AUTHORITY: Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216; sec. 219, 64 Stat, 426; 42 U.S.C. 210-1,

DEFINITIONS

§ 21.81 Meaning of terms.

For the purpose of computing and granting leave pursuant to this subpart:

(a) A "year" or "leave year" means the period beginning July 1 of any calendar year and ending June 30 at the succeeding calendar year, except commencing January 1, 1958, such terms shall mean a calendar year.

(b) "Annual leave" means any period of one work day or more during which an officer is relieved from his scheduled working hours, other than for sick leave, and all non-work days within such period.

(c) A "work day" means a day on which an officer is scheduled to perform more than brief periods of work, including a day when an officer is scheduled to serve as officer of the day, to be on call, or to perform official travel.

(d) A "non-work day" means a day designated by an officer in charge on which an officer has no scheduled working hours, including a day on which an officer is ordinarily scheduled to perform only brief periods of work, such as ward rounds in a hospital.

(e) "Off-work hours" means the period between the normal completion and commencement of scheduled working hours on two consecutive work days.

(f) "Station leave" means authorized absence from duty and station on non-work days, off-

work hours, or for a period of less than one work day.

(g) "Sick leave" means any period of one day or more with respect to which an officer is excused from duty because of sickness, disability, or need of medical services.

LEAVE WITH PAY

§ 21.84 Accrual and accumulation of annual leave.

An officer shall accrue annual leave at the rate of 30 days for each full year of active service with the Service, and for any portion of a year at the rate of 2 ½ days for each month of such service. Annual leave accrued during a leave year, but unused at the end of such year, shall be carried forward as accumulated leave for use in succeeding leave years, except that accumulated leave credited to an officer at the beginning of a new leave year in excess of 60 days shall be canceled. Annual leave taken during a leave year shall be charged first against the leave accrued or to accrue during that year. No annual leave shall accrue (a) during any period of such leave immediately preceding the termination or inactivation of a commission, or retirement, (b) during any period in which an officer is placed on leave without pay while detailed pursuant to section 214(b) or 214(c) of the act, or (c) during any period of absence without leave,

[21 FR 9806, Dec. 12, 1956, as amended at 34 FR 20273, Dec. 25, 1969]

§ 21-85 [Reserved]

§ 21.86 Granting of annual leave.

Within the limitations prescribed in § 21.84, annual leave with pay may be granted, upon application, by the Surgeon General at such time or times and for such periods as are approved by him. Annual leave not exceeding 30 days may be granted as provided herein as an advance of leave not yet accrued or accumulated. A period of absence from duty shall be considered as annual leave only if authorized in advance or if the absence and the reasons therefor are reported as

promptly as circumstances permit and the absence is excused by the Surgeon General.

§ 21.87 Computation of annual leave.

The number of days of annual leave taken shall be computed by counting each work day during the period of leave and all non-work days within such period, but excluding any period of station leave immediately preceding or immediately following such leave, except that in the case of annual leave taken immediately preceding the expiration, termination, or inactivation of a commission, or retirement, each day, following the day on which an officer is released from his assigned station, shall be counted as a day of leave.

§ 21.88 Station leave.

During off-work hours and on non-work days, during which an officer has no scheduled working hours he shall be entitled to station leave unless the officer in charge otherwise directs. If an officer desires to take station leave for a period of less than one work day or on a non-work day during which he is scheduled to perform only a brief period of work, he must obtain the oral permission of the officer in charge. Station leave shall not be charged as annual leave.

§ 21.89 Granting of sick leave.

Sick leave may be granted when the officer is in need of medical services or is incapacitated for the performance of duties by sickness, injury, or pregnancy and confinement. The leave granting authority or other responsible official may require a medical certificate for every period of sick leave in excess of 3 days, or for a lesser period when determined necessary. A medical certificate shall also be furnished promptly to the Surgeon General, or his designee, at the end of each period of 30 days of continuous absence from duty because of sickness or injury.

[36 FR 20159, Oct. 16, 1971]

§ 21.90 Prolonged or frequent absence due to sickness or disability; review of status.

An officer's absence from duty because of sickness or disability for a period of more than 90 consecutive days or for an aggregate of more than 120 days in a consecutive 12-month period shall be reported to the Surgeon General, or his designee, who shall appoint a board to consider whether such officer should be retired.

[36 FR 20159, Oct. 16, 1971]

§ 21.91 Reporting of whereabouts during annual, sick, or station leave.

During a period of annual, sick, or station leave an officer shall be considered to be in an active duty status and shall be subject to all regulations governing commissioned officers, including those relating to discipline. During all such periods of leave, an officer shall keep the officer in charge informed as to the place or places at which he may be located and shall be subject to recall to duty at any time.

LEAVE WITHOUT PAY WHILE ON DETAIL

§ 21.95 Leave without pay while on detail.

The Surgeon General, with the approval of the Secretary, may Place an officer on leave without pay while detailed Pursuant to section 214(b) or 214(c) of the act for such period as may be agreed upon by the Surgeon General and the officer.

(Sec. 214(d), 58 Stat. 690, as amended; 42 U.S.C. 215(d))