



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

DEC 21 2004

Assistant Secretary for Health
Office of Public Health and Science
Washington D.C. 20201

TO: Surgeon General

FROM: Acting Assistant Secretary for Health

SUBJECT: Commissioned Corps Personnel Policy Memorandum (PPM) 05-005
Termination of Special Leave Accrual Policy Authorized by Manual Circular No. 368

1. On 12 December 2001, the Commissioned Corps of the U.S. Public Health Service (Corps) determined that officers who were on active duty at the time the President declared a "National Emergency by Reason of Certain Terrorist Attacks" on the World Trade Center and the Pentagon, were deemed to fall within the scope of 10 U.S.C. 701(f)(1). Manual Circular No. 368 implemented this policy and authorized officers, under specific criteria, to carry more than 60 days of accumulated annual leave from one leave year to the next succeeding leave year until 31 December 2004. This PPM is a reminder to all officers that the special leave accrual policy set forth in this Manual Circular will expire as of 31 December 2004.
2. Officers who have an annual leave balance of more than 60 days, as of 31 December 2004, shall lose any unused annual leave accumulated under the policy. All officers on extended active duty shall begin the leave year with not more than 60 days annual leave unless they qualify by exception for one of the following:
 - a. Officers currently detailed to the Armed Forces may accumulate annual leave in excess of 60 days in accordance with the laws and regulations of the Service to which they are detailed.
 - b. Officers detailed to the Armed Forces who return to the Corps on or after 1 October 2001 may retain accumulated annual leave in excess of 60 days in accordance with the laws and regulations of the losing Service.
 - c. Officers who execute an inter-service transfer from the Armed Forces to the Corps may retain accumulated annual leave in excess of 60 days in accordance with the laws and regulations of the losing Service. Upon transfer, officers shall be required to use all annual leave accrued in the current-year first before drawing down the excess annual leave accumulated while a member of the losing Service.
 - d. Officers who separate from the Armed Forces and are immediately appointed to the Corps shall be treated in the same manner as officers who execute an inter-service transfer, if authorized to carry a leave balance forward.

3. Although this PPM terminates the special accrual leave policy established by Manual Circular No. 368, it is anticipated that the Corps will introduce a new accrual leave policy to be effective after 1 January 2005. The policy will be based on the Department of Defense's implementation of the special leave provisions set forth in 10 U.S.C. 701.
4. Officers are once again reminded that there is a lifetime limit of 60 days of unused annual leave for which officers may receive a lump sum leave payment at the time of their separation from active duty with one exception. Payments for accrued leave made before 10 February 1976 do not count against this 60-day limitation. (See 37 U.S.C.501(f)). Therefore, it is imperative that officers exercise due diligence with respect to their annual leave program so they do not lose any benefits that they may have accrued under the Corps' annual leave program.

This PPM will remain in effect for 36 months or until the policy is incorporated into Subchapter CC29.1, INSTRUCTION 2, "Annual Leave," whichever is earlier.

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