

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Public Health Service

Chapter CC29--Officers Relations, Services, and Benefits  
Subchapter CC29.1--Leave of Absence  
Personnel INSTRUCTION 1--Leave of Absence; General

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Section A. Purpose and Scope

This INSTRUCTION defines the types of leave granted to Public Health Service (PHS) commissioned officers. This includes annual, sick, station, court, and administrative leave, as well as leave without pay and absence without authorized leave (hereinafter referred to as AWOL).

Section B. Authority

1. Regulations governing the leave program for the PHS Commissioned Corps are authorized by 42 U.S.C. 210-1.
2. Regulations set forth in INSTRUCTION 1, Subchapter CC49.1, of this manual, prescribe the requirements for granting annual, sick, and station leave for PHS commissioned officers. These regulations also authorize placement of an officer in leave without pay status while on detail to a State or nonprofit institution, or to a Congressional committee.
3. Regulations relative to termination of commissions for officers who are AWOL are prescribed in INSTRUCTION 1, Subchapter CC43.7, of this manual. Authority to take disciplinary action against officers who are AWOL is set forth in INSTRUCTION 1, Subchapter CC46.4, of this manual.
4. Officials who have been delegated authority to approve leave for commissioned officers as set forth in this Subchapter are listed in INSTRUCTION 1, Subchapter CC39, of this manual.

Section C. General

1. PHS commissioned officers are subject to call to duty 24 hours each day, every day of the year. The PHS Commissioned Corps system does not recognize the concept of compensatory time off because officers are subject to call to duty 24 hours per day. Accordingly, officers are not eligible for overtime or compensatory time when they work longer than 8 hours a day or more than 40 hours a week. NOTE: The use of compensatory time for observance of religious holidays applies only to civil service employees.
2. If an officer is not at work during regularly scheduled duty hours and is not in an official leave status, the officer is AWOL. (See Section J, below.)
3. Except in cases of emergency, all annual, station, administrative, and court leave taken by commissioned officers must be approved in advance by the officer's leave granting authority.
4. It is within the purview of the leave granting authority to grant or revoke annual, station, or administrative leave if, in his/her judgment, program needs require it.
5. An officer is subject to recall to duty at any time from annual, station, or administrative leave, and is required to keep his/her leave granting authority informed of his/her whereabouts during any period of leave, including sick leave.

6. Leave records are subject to the provisions of the Privacy Act of 1974. INSTRUCTION 7, Subchapter CC26.1, "Rights, Responsibilities and Personnel Records of PHS Commissioned Officers Under the Privacy Act," of this manual, sets forth the procedures to be followed in the maintenance of these records. The applicable systems of records are: 09-90-0017, "Pay, Leave, and Attendance Records, HHS/OS/ASPER"; 09-37-0002, "PHS Commissioned Corps Personnel Records, HHS/OASH/OM"; and 09-37-0008, "PHS Commissioned Corps Unofficial Personnel Records and Other Station Files, HHS/OASH/OM."

#### Section D. Annual Leave

1. Annual leave means any period of one workday or more during which an officer is relieved from his/her scheduled working hours (other than sick leave) including all nonworkdays falling within such period.
2. Annual leave is not transferred to another uniformed service if the officer separates from the PHS Commissioned Corps to accept appointment in another uniformed service. However, annual leave may be transferred if the officer transfers to another uniformed service (see INSTRUCTION 2, Subchapter CC29.1, of this manual).
3. Policies and procedures pertaining to annual leave are stated in INSTRUCTION 2, Subchapter CC29.1, of this manual.

#### Section E. Sick Leave

1. Sick leave is defined as leave granted when an officer is in need of medical services or is incapacitated for the performance of duties by sickness, injury, or pregnancy and confinement.
2. Policies and procedures pertaining to sick leave are stated in INSTRUCTION 4, Subchapter CC29.1, of this manual.
3. The officer's leave granting authority may require an officer to remain in the vicinity of his/her duty station while the officer is on approved sick leave.

#### Section F. Station Leave

1. Station leave is defined as absence from duty and station under the following conditions:
  - a. During off-work hours (i.e., the period between the normal completion and commencement of scheduled working hours) on two consecutive workdays;
  - b. On a nonworkday unless the nonworkday falls within a period of annual leave (see INSTRUCTION 2, Subchapter CC29.1, of this manual); or

- c. For a period of less than one workday.
2. An officer may be granted station leave under the circumstances stated above, unless otherwise directed by his/her leave granting authority. Station leave is not a right; it is a privilege which shall be granted prudently and only for legitimate reasons as described herein. Station leave during scheduled work hours should be approved only when such leave is necessary to permit an officer to carry out activities that would be difficult, if not impossible, to conduct during nonwork hours such as medical appointments for family members. Under no circumstances shall station leave be routinely granted to reduce the work hours of an officer.
3. If an officer desires to take station leave during regularly scheduled working hours or on a nonworkday during which he/she is scheduled to perform a brief period of work, approval of the leave granting authority must be obtained in advance. Normally oral approval only is required but the leave granting authority may require that advance approval be obtained in writing.
4. In addition to training programs that an officer may be directed to attend, an officer's leave granting authority may permit an officer to be on station leave for not more than one-half workday per week to participate, at no expense to the Government, in training programs which have a potential benefit for the officer and PHS. Permission to use station leave to participate in training programs at no expense to the Government may be revoked at any time by the officer's leave granting authority.
5. Pursuant to the Standards of Conduct pertaining to PHS commissioned officers (INSTRUCTION 1, Subchapter CC26.1, of this manual), officers shall not be granted station leave during scheduled work periods for the purpose of engaging in outside activities for which compensation is paid.

#### Section G. Administrative Leave

1. Any absence for a full workday or more is normally charged to annual leave. (See Section D, above.) However, there may be situations in which an officer may be excused from duty for a full workday or more without charge to annual leave. Such absence may be authorized as "administrative leave" under circumstances which are in the interest of PHS as well as the officer, as determined by the leave granting authority. Administrative leave may be authorized for the following:
  - a. Attendance at Professional Meetings. An officer may be granted administrative leave to attend a professional meeting when such attendance is considered beneficial to PHS and the officer.
  - b. Taking Professional Examinations. An officer may be granted administrative leave to take professional examinations. This would include examinations for State licensure and specialty board certification, whether or not the examination is taken at PHS expense.

Administrative leave is not appropriate if the officer is authorized official travel to and from the place of examination (see INSTRUCTIONS 1 and 2, Subchapter CC25.3, of this manual).

c. Change of Duty Station.

- (1) An officer may be granted up to three days of administrative leave:
  - (a) Before departure from his/her old duty station for the purpose of arranging the movement of his/her household goods to the new duty station; and
  - (b) Upon reporting to duty at a new duty station, including the officer's first duty station, for the purpose of seeking residence quarters or otherwise establishing residence in the new location.
- (2) Administrative leave may not be granted during the period between the officer's scheduled departure from the old duty station and arrival at the new duty station. Administrative leave under the provisions of this paragraph shall not be granted to an officer upon his/her separation from active duty, including retirement.

2. Except as provided in c.(1) above, administrative leave will be limited to not more than five days each calendar year and will be limited to the number of days required for the purpose for which it was granted, including round trip travel time where required. Absence from duty for longer periods will be charged to annual leave. Administrative leave shall not be authorized for nonprofessional personal reasons.
3. An officer must have the written approval of the leave granting authority for administrative leave whether or not he/she is traveling away from his/her duty station. Such request will be made on Form PHS-1345, "Request and Authority for Leave of Absence." This will eliminate any question concerning the officer's status in the event of illness, injury, or death--whether or not the officer is away from his/her official duty station.

Section H. Leave Without Pay

Pursuant to 42 U.S.C. 215(b) or (c), an officer may be placed in a leave without pay status only when detailed to a State or political subdivision when such detail is related to the functions of the PHS or to a nonprofit educational, research, or other institution engaged in health activities or conducting programs, studies, research, and activities relating to public health or of significance to the functions of PHS. Also included under 42 U.S.C. 215(c) are details to Congressional committees for special studies of scientific problems and for dissemination of information relating to public health. For policies and

procedures for governing the detail of officers, see Subchapter CC23.5, of this manual.

Section I. Court Leave

1. Court leave is an authorized absence, without charge to leave or loss of pay, of an officer from work.
  - a. An officer is on court leave if he/she is:
    - (1) On jury service;
    - (2) A witness for the U.S. or D.C. Government;
    - (3) A witness on behalf of state or local government;
    - (4) A witness on behalf of a private party in an official capacity; or
    - (5) A witness on behalf of a private party when U.S., D.C. or State Government is a party in the suit.
  - b. An officer is on annual leave if he/she is a witness on behalf of a private party when the U.S., D.C. or State Government is not a party.
2. The term "judicial proceeding" contemplates any action, suit, or other proceeding of a judicial nature, but does not include an administrative proceeding. An officer must be summoned by an official request, invitation, or call from the court of authority responsible for the conduct of the proceeding, thus excluding strictly voluntary appearances from court leave coverage.
3. Upon return to duty, the officer must submit to the leave granting authority written evidence of court attendance, such as a marshal's statement. The proof of attendance should show the dates served and should be retained by the officer's leave maintenance clerk.
4. Any fee received by an officer for service as a juror or witness shall be forwarded to the appropriate accounting point in the agency to which he/she is assigned. Jury fees collected by the accounting point should be credited to the appropriation from which the officer is paid. Witness fees should be deposited in the Miscellaneous Receipt Account. The officer is permitted to keep payment for expenses which were incurred during the period of jury duty.
5. Information regarding travel and transportation allowances for officers summoned as witnesses is set forth in Paragraph M6300 of the Joint Travel Regulations.

Section J. Absence Without Authorized Leave

1. An officer will be considered AWOL when absent from his/her designated place of duty, unless the period of absence is authorized or approved by his/her leave granting authority as annual, sick, station, administrative, or court leave, as applicable.
2. Policies and procedures pertaining to AWOL are set forth in INSTRUCTION 5, Subchapter CC29.1, of this manual.

EXHIBIT I

REQUEST AND AUTHORITY FOR LEAVE OF ABSENCE

1. TO BE COMPLETED BY THE OFFICER (Type or Print)

NAME	GRADE	SERVICE NO.	TYPE OF LEAVE
		PMS	<input type="checkbox"/> ANNUAL <input type="checkbox"/> OTHER (Explain)
DUTY STATION	PERIOD OF ABSENCE		
	NO. DAYS	FROM	
ADDRESS (Where Officer can be contacted during leave period)	REMARKS		

I have read and understand the information contained on the reverse of this form.

SIGNATURE	DATE
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2. TO BE COMPLETED BY SUPERVISOR

RECOMMENDATION	SIGNATURE	TITLE
<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		

3. TO BE COMPLETED BY LEAVE GRANTING AUTHORITY

ACTION	SIGNATURE	TITLE	DATE
<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED			

4. TO BE COMPLETED BY OFFICER UPON RETURN FROM LEAVE

TYPE LEAVE TAKEN	NO. DAYS	FROM	TO	SIGNATURE