

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Chapter CC25--Performance Evaluation and Career Development
Subchapter CC25.2--Career Development
Personnel INSTRUCTION 2--Active Duty Obligation (ADO) Subsequent to
Extramural Training

CONTENTS

<u>Section</u>	<u>Subject</u>	<u>Page</u>
A.	Purpose and Scope.....	1
B.	Authority.....	2
C.	Determination of ADO.....	2
D.	Separation Pursuant to PHS Disciplinary Regulations.	4
E.	Policy Regarding Failure to Fulfill ADO.....	4
F.	Procedures for Waiver of Monetary Obligations Incurred by PHS Officers Who Fail to Fulfill ADOs.	5

Section A. Purpose and Scope

This INSTRUCTION defines periods of active duty obligation (ADO) subsequent to extramural training. This includes interdepartmental and interagency training for which tuition and fees are paid. This INSTRUCTION also sets forth the procedures for waiver of monetary obligations incurred by PHS commissioned officers who fail to fulfill ADOs. For an ADO resulting from extramural training that is part of an intramural training program, participation in the Senior Commissioned Officer Student Training and Extern Program, or for assignment to the Uniformed Services University of the Health Sciences, see Subchapter CC25.2, INSTRUCTION 3, Subchapter CC25.2, INSTRUCTION 5, or Subchapter CC45.2, INSTRUCTION 3, of this Manual, respectively.

Section B. Authority

1. The ADOs incurred by PHS commissioned officers pursuant to extramural training, the payments required for failure to fulfill such obligations, and the waiver of monetary obligations incurred by such officers who fail to complete ADOs acquired pursuant to participation in such training are authorized by Section 218(b) of the PHS Act (42 U.S.C. 218a(b)).
2. The Assistant Secretary for Health (ASH), or his/her designee, has the authority to waive, in whole or in part, any monetary obligation incurred by a PHS commissioned officer for failure to complete an ADO acquired pursuant to participation in PHS-supported training under 42 U.S.C. 218a.

Section C. Determination of ADO

1. Calculation of ADO. In accordance with Section 218(b) of the PHS Act (42 U.S.C. 218a(b)), PHS commissioned officers who receive PHS support for extramural training (including payment of tuition, fees, training expenses, and/or compensation) shall incur ADOs to PHS subsequent to the training periods as follows:

a. Full-Time Training

- (1) Period of Training ADO

30 days or less None

More than 30 days but less
than 3 months 6 months

3 months or more Twice the period of full-time training.

- b. Part-Time Training. The ADO for part-time training is based upon hours-in-attendance as related to the hours-in-attendance at full-time training. Based on a full-time curriculum, which would consist of approximately 70 hours in attendance during a 30-day period, the ADO for part-time training will be computed as follows:

- (1) For training which does not exceed 210 hours:

(a) Period of Training ADO

70 hours or less None

More than 70 but 6 months
less than 210
hours

(2) For training which exceeds 210 hours, compute the ADO according to this formula:

(a) Total Hours of Training

2.33 (conversion factor) = Total days of training

(b) Total days of training x 2 = ADO

EXAMPLE: An officer receives 21 semester hours of parttime training, and there are 18 weeks to the semester (12 weeks to the quarter).

21 semester hours x 18 weeks per semester = 378 hours of attendance. Using the formula:

378 hours of training
2.33 = 162.2 days of training

162.2 days of training x 2 = 324 days of ADO

NOTE: Completion of one laboratory period, which is two or three hours in length, is considered equivalent to one hour of class attendance.

2. Fulfillment of ADO. Fulfillment of the ADO commences upon termination of the training period and return of the officer to regular staff duties.

- a. If a period of training is followed by another period of training, fulfillment of the ADO will not begin until all training ceases.
- b. If a training program is interrupted by a period of staff duty of 30 consecutive calendar days or more, the period of staff duty will be credited to the ADO.
- c. Active duty performed before entering a training program or interruptions in training for periods of staff duty of less than 30 consecutive calendar days will not be counted toward fulfillment of the ADO.

Section D. Separation Pursuant to PHS
Disciplinary Regulations

A PHS commissioned officer who is separated from active duty pursuant to PHS disciplinary regulations before completing his/her ADO will be subject to the sanctions set forth in Section E., below.

Section E. Policy Regarding Failure to Fulfill ADO

An officer who is voluntarily separated from the PHS Commissioned Corps before completing an ADO, except for reasons beyond his/her control or for reasons in the public interest as determined in accordance with Section F., below, or who is separated from active duty pursuant to PHS disciplinary regulations (see Section D., above), shall be subject to the following:

1. Repayment of Compensation Received. The officer shall be obligated to pay PHS an amount equal to two (2) times the total amount of tuition, fees, and other necessary expenses received by the officer during the period of training and two (2) times the total amount of any compensation (to include but not limited to pay, allowances, special pays, travel, transportation and shipment of household goods) received by or paid on behalf of the officer during the period of training. Payment in full shall be due on the date of the officer's separation from the PHS Commissioned Corps. In accordance with Treasury Fiscal Requirements Manual (I TFRM 6-8000, Cash Management), late charges may be assessed for payments made after the due date on amounts owed to the Federal Government.
2. Withholding of Final Pay and Allowances. Final pay and allowances due the officer shall be withheld and applied against the officer's debt to the Federal Government.
3. Denial of Lump-Sum Payment for Accrued Annual Leave. Lump-sum leave payment for accrued annual leave of the officer may be denied. (See Subchapter CC29.1, INSTRUCTION 2, of this Manual.) NOTE: If lumpsum leave payment is denied, the amount accrued cannot be applied to the indebtedness.
4. Divestment of Travel and Transportation Allowances. The officer may be divested of any allowances for travel, transportation and shipment of household goods otherwise authorized with separation from the PHS Commissioned Corps. (See the Joint Travel Regulations of the Uniformed Services, paragraph 6457.)
5. Prohibition Against Retaining Inactive Reserve Commission. The officer may be denied request for retaining a commission in the inactive reserve corps. (See 42 U.S.C. 209(a)(2).)

Section F. Procedures for Waiver of Monetary
Obligations Incurred by PHS Officers Who
Fail to Fulfill ADOs

1. General. As specified in Section E.1, above, if an officer fails to fulfill an ADO incurred under 42 U.S.C. 218a(b), payment of an amount equal to twice the tuition, fees, necessary expenses, and compensation received by or paid on behalf of the officer during the period of training is required. ASH, or his/her designee, may waive in whole or in part such payment upon a determination, made on the basis of information and documentation as may be required, that payment would be inequitable or would not be in the public interest.
2. Criteria. A determination may be made that payment would be inequitable or not in the public interest when:
 - a. Payment would cause an unconscionable financial hardship for the individual;
 - b. Payment is impossible due to the present and projected financial status of the individual; or
 - c. Payment would be unconscionable because of severe illness, or physical or mental disability of the individual, or because of severe or terminal illness in the individual's immediate family.

Note: An officer's ADO will be terminated automatically upon his/her death.

3. Request by Officer. An officer may, by written request, seek a waiver of the payment obligation incurred for failure to fulfill an ADO acquired pursuant to participation in PHS-supported training. The request, besides setting forth the bases, circumstances, and causes which support the requested action, must contain the following:
 - a. A certified statement specifying whether the training was fulltime or part-time, the inclusive dates of such training, and the institution where the training was delivered (certification of the training statement must be by the officer's PHS component head);
 - b. A certified statement of present financial resources and obligations which has been signed by the officer and notarized by a notary public (certification of the financial statement must be by a certified public accountant or an attorney who is licensed to practice law in one of the States of the United States);

- c. A statement of the officer's estimated future financial resources and obligations which has been signed by the officer and notarized by a notary public; and
 - d. Information with regard to problems of a personal nature, such as physical or mental disability, or terminal illness in the immediate family. Statements which allege physical or mental problems or disability must be accompanied by copies of all medical reports relevant to the problem or disability concerned so that an independent review and evaluation may be conducted by appropriate PHS medical officers.
4. Submission of Request for Waiver. A waiver request submitted prior to an officer's separation from active duty should be forwarded to the officer's PHS component head. All requests for waiver should accompany Form PHS-1373, "Separation of a Commissioned Officer." These documents should arrive at the Commissioned Personnel Operations Division (CPOD), Office of Personnel Management, Office of Management, PHS, at least 60 days in advance of the officer's release date so that the case can be adjudicated prior to the issuance of the separation personnel orders. Waiver requests submitted subsequent to the officer's separation from active duty should be sent directly to the Director, CPOD, at the address specified in Section F.5., below.
5. Action by PHS Component Head. For each waiver request submitted prior to an officer's separation from active duty, the PHS component head will comment and make a recommendation for approval or disapproval. The PHS component head will then transmit the request for waiver and the Form PHS-1373 along with his/her comments and recommendation for approval or disapproval to the Director, CPOD, at the address below:
- Director
Commissioned Personnel Operations Division
Office of Personnel Management
Office of Management, PHS
Room 4-35, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857
6. Action by Director, CPOD. The Director, CPOD, will review the officer's request for waiver and any documents received from the PHS component head, prepare an administrative report, accompanied with a recommendation, and forward them, through administrative channels, to ASH, or his/her designee, for a final determination with respect to the waiver.