



CC362.01
EFFECTIVE DATE: 16 February 2012

By Order of the Assistant Secretary for Health:

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SUBJECT: Annual Leave

1. PURPOSE: This Instruction prescribes the policies and procedures related to annual leave for officers in the Commissioned Corps of the U.S. Public Health Service (Corps).
2. APPLICABILITY: This Instruction applies to Corps officers serving on extended active duty.
3. AUTHORITY:
 - 3-1. [42 USC 210-1](#), "Annual and Sick Leave"
 - 3-2. [37 USC 501](#) (as amended), "Payments for Unused Accrued Leave"
 - 3-3. [10 USC 716](#), "Commissioned Officers: Transfers among the Armed Forces, the National Oceanic and Atmospheric Administration and the Public Health Service"
 - 3-4. [5 USC 5534a](#), "Dual Employment and Pay during Terminal Leave from Uniformed services"
 - 3-5. [CC49.1.1](#), "Annual, Sick, and Station Leave", dated 25 October 1979
 - 3-6. Joint Federal Travel Regulations (JFTR), as amended.
 - 3-7. [Comp. Gen. 648 \(1981\)](#) B-201716
4. PROPONENT: The proponent of this Instruction is the Assistant Secretary for Health. The responsibility for assuring the day-to-day management of the Corps is the Surgeon General (SG).
5. SUMMARY OF REVISIONS AND UPDATES: This is the first issuance of this Instruction within the electronic Commissioned Corps Issuance System (CCIS) and replaces Commissioned Corps Personnel Manual (CCPM) CC29.1.2, "Annual Leave, "dated 8 August 1985. Substantive changes include:
 - 5-1. Clarification of Recall from Leave
 - 5-2. Clarification of the Commissioned Officer Leave Tracking System (COLTS)

6. POLICY:

6-1. Accrual and Accumulation of Annual Leave.

a. Accrual Rate.

(1) An officer accrues annual leave at the rate of 30 days for each full year of active service. For any portion of a year, leave is accrued at the rate of 2 1/2 days for each month of service, except that no annual leave is accrued during any period in which an officer is:

(a) Absent Without Leave (AWOL); or

(b) Called to active duty for a short tour of duty of less than 30 days.

See the Appendix for determining leave accrual for periods of less than a full month upon call to active duty for a period of 30 days or longer or upon an officer's separation or retirement.

(2) An officer of the Ready Reserve Corps must be activated and serve a continuous 30 days before the officer can accrue annual leave. Leave accrued by a Ready Reserve Corps officer must be used prior to the end of his/her current duty rotation.

b. Maximum Accumulation. Annual leave accrued during a leave year, but unused at the end of such year, is carried forward as accumulated annual leave for use in succeeding leave years. However, the maximum annual leave which may be carried forward from one leave year to the next is 60 days. The 60-day limitation on the amount of unused annual leave that can be carried forward from one leave year to the next is imposed by statute and is not subject to waiver. Officers detailed to the Department of Defense or to the U.S. Coast Guard, as delineated in the Corps officer's Memorandum of Understanding/Agreement (MOU/A) or detail agreement may have specific exceptions for maximum accumulation of annual leave..

c. Annual leave is based upon the calendar year and not the fiscal year.

6-2. Granting Annual Leave.

a. Forms Supply. Form PHS-1345, "Request and Authority for Leave of Absence," may be obtained from the Commissioned Corps Management Information System (CCMIS) Web site under the "Services" tab and by clicking "Official Forms" or http://dcp.psc.gov/cc_forms.asp.

b. Requests for Leave.

(1) Annual leave must be requested and approved, in advance, on [Form PHS-1345](#), unless an emergency makes this requirement impossible.

(2) Annual leave shall not be authorized for an officer who has been incarcerated or detained while awaiting trial or upon a conviction for a criminal offense. Under such circumstances, the officer will be placed in AWOL status (see [CC29.1.5](#), "Absence Without Leave").

(3) For leave requested in conjunction with temporary duty travel, see Subsection 6-2.h.

- c. Computation of Leave Taken. Annual leave is granted in full days only. See [CC29.1.1](#), "Leave of Absence; General," for rules governing absence from duty for less than a full workday, (i.e., station leave). Specific rules for computing annual leave taken in conjunction with temporary duty travel are contained in Subsection 6-2.h. The number of days of annual leave taken is computed by counting each calendar day during the period of leave, including non-workdays and holidays. Non-workdays immediately preceding or following a period of annual leave are not chargeable to annual leave. For example, if an officer is absent from duty on annual leave for a week beginning on Monday and ending on Friday of the same week, annual leave is charged only for Monday through Friday. If, however, the officer is absent from duty all day on annual leave beginning on Friday of one week and ending on Friday of the following week, annual leave is charged for the Saturday and Sunday following the first Friday. A consecutive period of absence from duty may not be authorized in two or more parts to avoid charging annual leave for non-workdays that fall within the period. If an officer is on annual leave and other officers and employees at his/her duty station are authorized administrative leave, (e.g., for building shutdown, inclement weather, etc.), the officer will continue to be charged annual leave for the days in question.
- d. Advancing Annual Leave.
- (1) In case of an emergency or extreme hardship, the leave granting authority may grant annual leave to an officer in advance of its actual accrual, not to exceed 30 days. However, annual leave shall not be advanced to an officer until he/she has reported to his/her permanent duty station upon call to active duty.
 - (2) Any deficit in the leave account at the end of the year will be carried forward to the next leave year for charge against annual leave accrued in the new leave year. Any deficit in leave at the time of separation or retirement from active duty will require reimbursement from the officer.
- e. Leave While Attending School. An officer, to include officers in the Junior Commissioned Officer Student Training and Extern Program (COSTEP) or Senior COSTEP, attending school while on active duty accrues annual leave on the same basis as any other officer on active duty. Annual leave will be charged for any absence of one day or more during scheduled classes or work assignments, including all non-workdays and holidays, which fall within the period of annual leave. If the officer is not already on annual leave, he/she will not be charged annual leave for:
- (1) Scheduled or unscheduled non-work days in a clinical or similar setting; and
 - (2) All Federal holidays or other days for which the school has no scheduled classes, and the officer has no scheduled work assignments.
- f. Transfer of Leave. Under the transfer authority set forth in [10 USC 716](#), Corps officers who transfer from the Corps to another uniformed service, or officers of other uniformed services who transfer to the Corps, will have their unused annual leave transferred. However, annual leave is not transferred to another uniformed service if the officer separates and has one or more days break-in-service from the Corps to accept an appointment in another uniformed service.

- (1) Civil service or equivalent system individuals are not authorized to transfer their civil service accrued leave upon appointment in the Corps.
 - (2) Officers are not authorized transfer of annual leave accrued in the Corps system to the civil service or equivalent system.
- g. Terminal Leave. Terminal leave is defined as any approved annual leave taken after an officer has submitted a request for separation or retirement from the Corps. Corps officers may be authorized terminal leave subject to the conditions and in accordance with the procedures which follow:
- (1) The officer's leave granting authority has responsibility to approve or deny requests for terminal leave. The leave granting authority may deny a request for terminal leave when granting such leave would not be in the best interest of the program to which the officer is assigned. If the officer would be denied lump sum payment for unused annual leave under the provisions of Subsection 6-3.e., the leave granting authority must approve any request by an officer for terminal leave.
 - (2) Terminal leave must be requested by the officer and approved by the leave granting authority on [Form PHS-1345](#), "Request and Authority for Leave of Absence" prior to the date the officer submits his/her [Form PHS-1373](#), "Separation of Commissioned Officer." Any terminal leave requested by the officer must also be recorded in Item 7 of Form PHS-1373. All days, including non-scheduled workdays, such as Saturday and Sunday, will count as terminal leave after an officer's last day at his/her duty station. For example, if the officer's last day at the duty station is Friday and the officer has requested terminal leave, the following Saturday, whether or not a scheduled workday, will count as a day of terminal leave. See [CC23.6.3](#), "Separation of Commissioned Officers," for instructions governing the submission of the Form PHS-1373. If the leave granting authority approves the request for terminal leave, the officer shall complete Item 4 on the original of Form PHS-1345, and forward it to his/her leave maintenance clerk.
 - (3) COSTEP officers are not required to submit a Form PHS-1373 prior to separation as the separation date for a COSTEP officer is established by the Personnel Order calling the officer to active duty. Therefore, the policies and procedures relating to terminal leave are not applicable. Annual leave may be granted to COSTEP officers for any day between the date of call to duty and the date of separation.
 - (4) A request may be approved for an amount of terminal leave which does not exceed the number of days of unused annual leave that would otherwise be credited to the officer upon the date of his/her separation from active duty in the Corps. Annual leave accrues while the officer is on terminal leave.
 - (5) An officer will be charged for the entire period of terminal leave, which he/she has requested and which is approved by the leave granting authority, regardless of whether the officer actually takes the full amount of leave, except that:
 - (a) Leave will not be charged to the officer for any day for which the leave granting authority revokes approval of such leave because of program requirements; and

- (b) A day or days of terminal leave may be authorized as sick leave rather than annual leave, provided that the officer submits to the leave granting authority a written statement signed by a physician which certifies that the officer was ill on the day or days in question.
 - (6) If an officer does not request terminal leave prior to the date of submission of his/her Form PHS-1373, terminal leave shall not be approved except for emergency purposes. For this purpose, an emergency is defined as serious illness or death in the family. In instances where terminal leave is granted for emergency purposes, the leave granting authority shall immediately notify the SG or his/her designee, of the amount of terminal leave granted so that appropriate adjustments can be made in the officer's request for lump sum payment for unused annual leave.
 - (7) An officer is on active duty while on terminal leave and thus maintains the responsibilities, duties, obligations, privileges, and benefits applicable to all Corps officers.
 - (8) Under [5 USC 5534a](#), a Corps officer on terminal leave may, if otherwise eligible, accept a Federal civilian position and be entitled to receive civil service pay in addition to pay and allowances as a Corps officer on active duty.
 - (9) An officer may not be appointed to another uniformed service while he/she is on terminal leave.
 - (10) While on terminal leave, an officer may accept non-Federal employment and continue to receive his/her active duty pay provided that such employment does not contradict requirements of the Ethics in Government Act or CC26.1.1, "Standards of Conduct."
 - (11) A period of terminal leave is creditable toward completion of any period of obligated service with the Corps and is creditable for purposes of determining eligibility for programs administered by the Department of Veterans Affairs.
- h. Leave in Conjunction with Official Temporary Duty (TDY) Travel.
- (1) TDY travel is to be used only for official purposes, and never as a means of providing Government-paid travel for personal reasons. Therefore, annual leave shall not be granted for use in conjunction with official travel if such use would give the appearance of impropriety. In general, a request for annual leave should be denied if the TDY is for a very short period or if the proposed leave is substantially longer than the TDY assignment.
 - (2) If the TDY is 30 days or longer, use the normal rules for computing leave, subject to the provisions of Subsection 6-2.c. When annual leave is taken in conjunction with TDY, which is less than 30 consecutive days in duration, the number of days chargeable as annual leave is computed as follows:
 - (a) Determine the number of calendar days that the officer would

have been unavailable for duty at the permanent duty station (regardless of whether normal workdays or non-workdays) due to official travel status if the TDY had been completed without the use of leave, using available schedules and modes of transportation that best meet the needs of the Government.

- (b) Determine the number of calendar days that the officer was actually unavailable for duty at the permanent duty station (regardless of whether normal workdays or non-workdays).
 - (c) The difference between the number of days determined in subparagraph (a) and the number determined in subparagraph (b) is the number of days chargeable to annual leave.
- (3) When an officer on TDY is permitted, for personal reasons, to use a mode of travel other than the mode which the Government would normally select for purposes of the ordered travel, all full days of travel in excess of the travel days which would have occurred using the normal mode are chargeable to annual leave.

i. Leave Without Pay (LWOP) Status

- (1) In accordance with [42 U.S.C. 215](#)(b) or (c), an officer may be placed in a LWOP status only when detailed to a State or political subdivision when such detail is related to the functions of the Corps or to a non-profit 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 the Corps.
- (2) 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 governing the detail of officers, see [CC23.5.5](#), "State and Non-Profit Institution Details," [CC23.5.6](#), "Faculty Position Details," [CC23.5.7](#), "Congressional Committee Details," and [CC23.5.8](#), "Federal Agency Details."

6-3. Lump Sum Leave Payment.

a. Upon Separation.

- (1) An officer will, if his/her application is approved, receive payment for the number of days of unused annual leave to his/her credit at the time of separation from active duty. However, under [37 USC 501](#)(f), there is a lifetime limit of 60 days of unused annual leave for which lump sum leave payment may be made after 9 February 1976. This limitation applies to all lump sum leave payments made to an officer by any of the uniformed services after 9 February 1976. The following examples illustrate these statutory requirements:
 - (a) An officer separates from active duty with 30 days of unused accrued annual leave and the officer had previously received a lump sum leave payment (from any uniformed service) for 40 days annual leave when he/she separated from active duty on 1 April 1976 (a date after 9 February 1976). The officer will receive lump sum leave payment for only 20 days annual leave

because of the 60-day lifetime limitation on lump sum leave payments made after 9 February 1976.

- (b) The officer will not be eligible for any future lump sum leave payments in any of the uniformed services.
- (2) Payment for unused annual leave will be computed on the basis of the officer's grade at the date of separation or retirement, notwithstanding that the officer may have held a higher grade previously. Payment will consist of the officer's basic pay and allowances for subsistence and quarters. Federal and State income tax will be deducted from the basic pay portion of the lump sum leave payment.
- b. Upon Death. The survivors of an officer who dies while on active duty, or before receipt of lump sum leave payment upon separation from active duty, will receive a lump sum leave payment for the number of days of unused annual leave to the officer's credit at the time of death. In the case of an officer who dies while on active duty, all accrued leave will be paid to the beneficiary. In this case, the 60-day limitation does not apply.
- c. Break in Active Service. Lump sum leave payments must be either paid or denied at the time an officer is released from active duty even though the officer intends to, or has signed an agreement to, return to active duty at a later date. This also pertains to officers who are released from active duty pursuant to suspension of a National Health Service Corps scholarship obligation. An accrued leave balance shall not be maintained for any officer who is not on active duty.
- d. Application for Lump Sum Leave Payment. Officers, other than COSTEP officers, must make application for lump sum payment for unused annual leave in item 8 of Form PHS-1373.
 - (1) Payment will not be authorized unless the officer's leave through the Commissioned Officer Leave Tracking System (COLTS) is certified by the appropriate officials and is received by the SG or his/her designee.
- e. Denial of Lump Sum Leave Payments.
 - (1) In accordance with [37 USC 501\(g\)\(1\)](#), (2), and (3), a lump sum leave payment may not be made to an officer whose appointment expires or is terminated and who, without a break in active service, accepts a new appointment; who is retired for age in time of war and is continued on, or recalled to active duty without a break in active service; or who is transferred to another department or agency of the United States under circumstances in which, by law, the leave may be transferred. Under 10 USC 716, Interservice Transfers, officers who apply for transfer from the Corps to another uniformed service will have their unused annual leave transferred. This also applies to officers from other uniformed services who apply for transfer to the Corps. However, if an officer separates from the Corps, for one or more days, prior to accepting a direct appointment to another uniformed service he/she will receive a lump sum leave payment, if otherwise eligible.
 - (2) If an officer retires and is recalled to active duty without a break in service, a lump sum leave payment will not be made until the officer is separated from active duty. In addition, 37 USC 501(g) provides

authority to approve applications for lump sum leave payments. Based on this authority, applications for lump sum leave payment will be denied if the officer concerned is separated for misconduct under other than honorable conditions.

- (3) If an officer's application for lump sum payment for unused annual leave or for transfer of such leave is denied, the officer will be so notified in writing by the SG or his/her designee.

6-4. Annual Leave Records.

a. General.

- (1) Annual leave records represent pay and must be safeguarded in the same manner as other records involving funds.
- (2) Leave records are subject to the provisions of the Privacy Act of 1974. [CC26.1.7](#), "Privacy Act," sets forth the procedures to be followed in the maintenance of these records.

- b. Leave Folder. In addition to COLTS, a leave folder will be maintained for each officer. The original Form PHS-1345, which is completed by the officer upon return from annual leave, will be kept.

6-5. An officer is subject to recall to duty at any time from leave, and is required to keep his/her leave granting authority informed of his/her whereabouts during any period of leave, including sick leave.

- a. Recall for Operational Reasons. An officer is authorized Temporary Duty (TDY) per diem, transportation, and reimbursable expenses (computed as if returning to a Permanent Duty Station (PDS) from TDY) for travel:

- (1) Beginning the day the officer departs from the leave location or place he/she received an authorization/order cancelling leave, and ending on the arrival at the duty station; and
- (2) If authorized to resume leave, beginning the day the officer departs from the duty station, and ending on the arrival day at a leave location no farther distant from the duty station than the place he/she received the authorization/order canceling leave.

- b. An officer who departs from a PDS or TDY station on authorized leave and is recalled to the same duty station, is authorized TDY per diem, transportation, and reimbursable expenses (computed as if returning to a PDS from TDY) for travel, in the following circumstances:

- (1) Actual disaster contingency or emergency war operations, or
- (2) An urgent, unforeseen circumstance (and the authorized leave is for 5 or more days):
 - (a) Within 24 hours of departure, or
 - (b) More than 24 hours after departure, if the recalling official authorizes/approves after determining that:

- (i) A substantial portion of the scheduled leave period has been eliminated by the recall, or
 - (ii) The leave purpose has been defeated (60 Comp. Gen. 648 (1981)).
 - (c) An urgent, unforeseen circumstance is defined as an event that if not taken care of/handled immediately will result in the loss of life, limb or would result in a catastrophic or costly delay to the recalling official, Operating Division (OPDIV), Staff Division (STAFFDIV) or non-Department of Health and Human Services (Department or HHS) organization.
- c. When an officer is on authorized leave and it becomes necessary to recall him/her to duty, the period of absence shall not be charged to the leave account when the period between departure on leave and the officer's receipt of the recall to duty is 3 days or less.
- d. An officer shall be afforded a reasonable amount of time in order to procure travel back to the PDS station.
- e. Recall from leave is not to be used as a punitive act or to handle non-emergent or non-urgent routine events.

7. RESPONSIBILITIES:

7-1. Leave Granting Authority

- a. The leave granting authority is usually a Corps officer's first line or direct reporting supervisor. However, certain OPDIVs, STAFFDIVs or non-HHS organizations may require a second level of approval and oversight over leave requests.
- b. If it is necessary to cancel an officer's annual leave, after the leave has been approved, the leave granting authority may inform the officer orally but shall confirm cancellation of the leave in writing.
- c. When a period of terminal leave is either revoked or changed to sick leave, the leave granting authority must immediately notify the SG or his/her designee of such revocation or change, so that appropriate adjustments can be made in the officer's request for lump sum leave payment for unused annual leave.

7-2. Leave Maintenance Clerks.

- a. Leave maintenance clerks are responsible for maintaining leave records and verifying the correctness, completeness, and accuracy of the records. COLTS is the method of tracking and maintaining leave for Corps officers.
- b. The SG shall issue a Personnel Operations Memorandum (POM), through the CCIS, establishing procedures for Leave Maintenance Clerks and functionality of the COLTS.

- 7-3. Upon transfer, the gaining Leave Maintenance Clerk is responsible for requesting the officer's leave record from the clerk who maintained the leave record in the officer's former assignment.

7-4. The SG or his/her designee will determine whether the officer's request for lump sum payment for unused annual leave, or transfer of such leave to another uniformed service, is to be denied or approved. If the officer is denied such payment or transfer, he/she will be notified directly in writing by the SG or his/her designee. If payment or transfer is approved, the SG or his/her designee will verify the accuracy of the officer's leave balance, add any leave which accrues during time authorized between submission of the request and accrual prior to separation, and determine if any previous lump sum leave payments have been made to the officer after 9 September 1976. The officer will be paid for the amount of lump sum leave payment authorized, if approved. If the leave is to be transferred to another uniformed service, the SG or his/her designee will certify the number of days to be transferred.

8. PROCEDURES:

8-1. Requests for Leave. The original Form PHS-1345 shall be completed by the officer and forwarded to the officer's leave granting authority for approval prior to the commencement of leave. After obtaining necessary signatures, the officer shall leave at least one copy of the signed PHS-1345 with his/her supervisor or leave granting authority and leave maintenance clerk.

- a. If the leave granting authority disapproves the request, the original Form PHS-1345 will be returned to the officer.
- b. If the request is approved, the leave granting authority will return the original to the officer. The officer, upon return from leave will complete Item 4 of the original of Form PHS-1345 and forward it to the Leave Maintenance Clerk who will retain the original copy and annotate appropriately in COLTS.
- c. In an emergency situation, the officer is required to promptly notify the supervisor or leave granting authority, as soon as possible, the reasons for the emergency. If the supervisor concurs, he/she will indicate approval on Form PHS-1345. The supervisor or leave granting authority shall send one copy to the leave maintenance clerk and retain the original for completion by the officer upon return to duty. The completed original will then be forwarded to the Leave Maintenance Clerk after completed by the officer.

8-2. Disposition of Leave Records.

- a. Upon Separation from Active Duty.
 - (1) When an officer is separated from active duty, including retirement, the following actions should be taken:
 - (a) The officer's Leave Maintenance Clerk will verify the accuracy of the leave balance, as of the officer's separation date, within COLTS.
 - (b) COLTS should include all terminal leave approved for the officer through the date of the officer's separation or retirement from active duty.
 - (c) The officer's copies of Form PHS-1373 will be sent forward through the appropriate administrative channels of the OPDIV, STAFFDIV or non-HHS organization concerned to:

Office of Commissioned Corps Operations
Attn: Division of Commissioned Corps Support Services
1101 Wootton Parkway, Plaza Level, Suite 100
Rockville, MD 20852

Note: Form PHS-1373 is not required for COSTEP officers.

- (2) Copies of the officer's Forms PHS-1345 and related correspondence will be retained at the officer's last duty station for at least 2 years for audit purposes. These copies may be destroyed after the 2-year period has expired. The officer's leave folder should not be forwarded to the SG or his/her designee.
9. HISTORY: This is the first issuance of this Instruction within the electronic Commissioned Corps Issuance System (CCIS) and replaces Commissioned Corps Personnel Manual (CCPM) CC29.1.2, "Annual Leave," dated 8 August 1985. Substantive changes include:
 - 9-1. Clarification of Recall from Leave
 - 9-2. Clarification of the Commissioned Officer Leave Tracking System (COLTS)

Appendix

Determining Leave for Service of Less than a Month

1. The following table will be used to determine the amount of leave earned for the month in which an officer is:

- (a) Called to active duty; or
 (b) Restored to a pay status from leave without pay.

First Day of Active Duty Is	Leave Credited That Month
1st - 6th	2 1/2 days
7th - 12th	2 days
13th - 18th	1 1/2 days
19th - 24th	1 day
25th - 31st	1/2 day

2. The following table will be used to determine the amount of leave earned for the month in which an officer is:

- (a) Separated from the Corps (termination, retirement, or death); or
 (b) Placed on leave without pay.

Last Day of Active Duty Is	Leave Credited That Month
1st - 6th	1/2 day
7th - 12th	1 day
13th - 18th	1 1/2 days
19th - 24th	2 days
25th - 31st	2 1/2 days