

CIVILIAN MARINE PERSONNEL INSTRUCTION

CMPI 630

COVER SHEET - 318

Leave and Liberty

Date: 6 October 1995

Attached is a revision to CMPI 630, Leave and Liberty. This revision replaces the CMPI in its entirety. The "Record of CMPI Cover Sheets Received" should be initialed and this cover sheet should be filed.

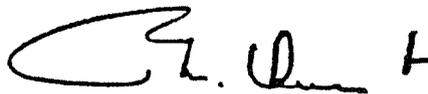
Reason for Revision

CMPI 630 has been revised to provide guidance on the use of sick leave to care for family members; to provide information about employee entitlement to family and medical leave; and to eliminate references to the Federal Personnel Manual.

Effective Date

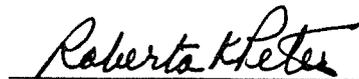
The above revision is effective upon receipt. Collective bargaining obligations with recognized labor organizations must be satisfied.

Authorized for MSC:



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SEP 8 1995

By direction of the Secretary of the Navy

Distribution:

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INSTRUCTION 630

Leave and Liberty

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Section 1, General Provisions

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1-1. SCOPE--This Instruction outlines provisions governing the accrual and use of leave by civil service mariners. Types of leave covered include annual, sick, shore, court leave, etc. This Instruction also addresses leave without pay status, liberty and related subjects. Personnel who need assistance on related matters not covered by written instructions should address inquiries to the Purser or to the appropriate MSC area command.

1-2. COVERAGE--This Instruction applies to MSC civil service mariners with the following exceptions:

a. Local nationals (indirect hires) employed outside the United States--Leave regulations covering such employees will be governed by policies established in cooperation with other Federal agencies in the area of employment. Leave benefits allowed under such measures may not exceed the benefits described in this Instruction. Any policies adopted which are not consistent with this Instruction will be reported to COMSC.

b. Local national civil service employees (direct hires) paid on native wage scales--Leave regulations for such employees will be developed in accordance with prevailing local maritime practices as nearly as is consistent with the U.S. public interest. Prior approval of COMSC is required for such leave regulations. Where there are no prevailing local maritime practices, the leave regulations will be governed by policies established in cooperation with other Federal agencies in the area of employment. Any policies adopted under such plans which are not consistent with this Instruction will be reported to COMSC.

- 1-3. AUTHORITY--a. 5 U.S.C. Chapter 63
b. 5 U.S.C. Section 5348(a)
c. 5 C.F.R. Part 630

1-4. DEFINITIONS

a. Absence Without Leave (AWOL). An unauthorized absence from duty for which leave is not approved in advance, or is subsequently denied.

b. Creditable Service. Any service which may be used in computing an annuity under the civil service retirement provisions of Chapter 83, Title 5, U.S.C. is creditable for leave earning. See the Guide to Processing Personnel Actions, for a detailed discussion of creditable service. Service that is potentially creditable for annuity computation is creditable, (i.e., temporary or indefinite appointments). The period during which an employee receives compensation under 5 U.S.C. Chapter 81 is creditable, provided the employee resumes Federal employment within the period of regulatory restoration rights.

c. Extended Voyage. A voyage of not less than 7 consecutive calendar days duration.

d. Homeport. The port to which the employee reports for work assignments, training, discipline, and employee services.

e. Leave Without Pay (LWOP). A temporary absence from duty without pay granted at management's discretion upon the request of the employee.

f. Liberty. The term "liberty" as used in this Instruction refers to relief from the ship to go ashore outside the scheduled hours of duty. Absences during scheduled hours of duty are covered by other provisions of this Instruction.

g. Oceangoing-vessel. A vessel in use on the high seas or the Great Lakes; but does not include a vessel which operates primarily on other lakes, rivers, bays, sounds, or within the 3-nautical-mile limit of the coastal area of the 48 contiguous states, except when used in mapping, charting, or surveying operations or when in or sailing to or from foreign, territorial, Hawaiian, or Alaskan waters, or waters outside its normal area of operations or outside the 3-nautical-mile limit.

h. Receiving Branch. In MSCPAC, the Marine Placement and Receiving Branch; in MSCLANT the Marine Employment Branch.

i. Suspension. An enforced temporary period without pay in a non-duty status taken as a disciplinary action for cause. (see CMPI 750 for further information)..

j. Voyage. The sailing (departure) of an oceangoing vessel,

either under its own power or under tow, from one port and its return to that port or the final port of discharge.

1-5. GENERAL POLICY--In general, the authority to grant leave and liberty is vested in the ship's officers; except when a replacement for the employee is required. In the latter case, the Civilian Personnel Office in the home port must also approve leave requests. In granting leave under the provisions of this Instruction, it is the policy of management to take the appropriate action to support morale, assure needed rest or treatment, reduce employee turnover among ships, and assure adequate crews for mission requirements. Except as provided in this Instruction, employees will not be excused from duty at any time during their scheduled eight hours of duty within the basic work week without charge to leave, compensatory time or leave without pay. All leave taken in the home port whether authorized or unauthorized separates the employee from "the service of the ship." The employee reenters the "service of the ship" when leave is terminated and the employee returns to work aboard ship. The leave benefits of civil service mariners are governed by the provisions of 5 U.S.C., Chapter 63.

1-6. CHARGES TO LEAVE AND RATE OF COMPENSATION--The minimum charge for annual and sick leave is one hour. Additional leave is charged in multiples of one hour. The minimum charge for shore leave is one day. Except in the cases described below, employees will be charged the appropriate type of paid leave or leave without pay for all approved absences during their work week. (Annual, sick, shore and other types of paid leave will be compensated at the base rate of pay.) Leave will not be charged for:

a. Excused absence for Radio Officers on manning scales in port when no available duties remain to be performed (See CMPI 610).

b. Absence from duty outside the employee's basic eight hours of duty on any work day within the basic work week.

c. Absence from duty on overtime days. Absence on such days will result in loss of overtime or other premium pay that would otherwise have been paid if the employee had remained on duty. (See CMPI 610 for additional information on premium pay).

d. Certain absences from regular work resulting from a traumatic injury received in the line of duty *(See 5 U.S.C., Chapter 81)*

e. Absence ashore in an outport resulting from MSC action other than separation from the ship for misconduct, (e.g., absence resulting from change in sailing time).

f. Absence for participation in Union/Management matters as authorized under the appropriate labor agreement.

1-7. STATUS DURING REPATRIATION--See CMPI 4651, Repatriation, for information on the pay or non-pay status of employees being returned to their home port following separation from their ship while on voyage.

1-8. AUTHORITY FOR APPROVAL OF LEAVE--Leave will be approved by the action authorities below:

<u>Position of Employee</u>	<u>Action Authority</u>
a. Master	Commander, home port, or Civilian Personnel Officer, by direction of the Commander, home port, with the advice of the interested shore division.
b. Department head including Chief Engineer	Master, with the advice of the interested shore division during home port periods.
c. Subordinate of department head	Department head concerned.
d. Receiving Branch	Appropriate Civilian Personnel Office official with the advice of the interested shore division with regard to leave for officers.

In the absence of the action authority named above, leave will be approved by the person acting in his/her place. No employee will be "paid off" for leave when a replacement is required without advance approval of the Civilian Personnel Office unless a valid emergency exists. In such cases, an immediate message report is to be made.

1-9. LEAVE RECORDS--All leave taken in a pay period in which the employee is placed or reassigned between ship and shore or between ships will be reported to area commands. Basic leave records will be maintained by the Comptroller, home port. All leave and compensatory time, absences (overtime day), and excused absences (no available duties taken by Radio Officers) will be approved on the Leave Application Form, MSC Form 12630/4. One copy of the approved Leave Application Form will be furnished the employee. When a leave request is disapproved, a brief statement of the reason will be noted by the action authority in the "Remarks" section of the Leave Application Form and it will be returned to the employee. A copy of the disapproved Leave Application will be retained by the action authority for subsequent reference, if needed. Additional distribution of copies will be determined by the Commander, home port. Aboard ship, the Leave Application will be referred to the Purser for distribution after approval.

Section 2, Annual Leave

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2-1. ACCRUAL AND CREDIT OF ANNUAL LEAVE--Civil service mariners serving under an appointment of 90 days or longer accrue annual leave on the basis of biweekly periods of service. There are 26 biweekly periods of service in a year for leave accrual purposes. Annual leave is accrued on the following basis:

a. Less than 3 years of creditable service--4 hours of credit for each biweekly period of service (13 days per year unless reduction results from absence(s) without pay).

b. Three years but less than 15 years of creditable service--6 hours of credit for each biweekly period of service except that 10 hours will be credited during the last full biweekly period in the calendar year (20 days per year unless reduction results from absence(s) without pay).

c. Fifteen years or more creditable service--8 hours of credit for each biweekly period of service (26 days per year unless reduction results from absence(s) without pay).

2-2. ACCRUAL REDUCTION--Whenever a full-time employee's absence(s) without pay (non-pay status, leave without pay, suspension or furlough) during a leave year totals 80 hours, credited leave is reduced by the amount earned in a biweekly period. Any period of absence without pay totaling less than 80 hours is dropped at the end of the leave year as a factor in leave computation.

2-3. MAXIMUM ACCUMULATION--Civil service mariners may accumulate up to 45 days (360 hours). Consistent with the needs of the Command, employees will be given an opportunity to use leave in excess of 360 hours to avoid forfeiture.

2-4. RESTORATION OF FORFEITED ANNUAL LEAVE--Leave in excess of 45 days may be restored to the employee when the leave was forfeited through administrative error; because of exigencies of business as determined by the Commander, home port; or sickness requiring the use of sick leave which prevented the use of prescheduled annual leave. To be restored, annual leave must be scheduled at least three biweekly pay periods prior to the actual end of the leave year. Restored leave is placed in a separate leave account and must be scheduled and used no later than the end of the leave year ending two years after restoration. In some extreme instances of extended exigencies, more time may be allowed (i.e., exigencies that last more than 3 calendar years).

2-5. DISPOSITION OF ANNUAL LEAVE BALANCE--Upon separation from the Federal service, an employee will be paid a lump sum for all unused accumulated annual leave plus any unused restored annual leave to the employee's credit. Such lump sum payment will be computed on the basis of the employee's base pay. Upon transfer to another Federal agency, an employee's accumulated annual and restored annual leave balance will be transferred to the new agency.

2-6. REQUIRING USE OF ANNUAL LEAVE--Annual leave will normally be taken at times which are satisfactory to both the employee and management. However, an employee may be required to take leave at such time as the Commander, home port, the Master, or other qualified authority may prescribe, as dictated by the needs of the service. An employee may not be placed on annual leave without his/her consent during any period of notice of adverse action for cause. The following are examples of situations in which employees may be required to use annual leave:

- a. During strikes which tie up ships.
- b. As a result of temporary reduction in manning scales for 30 calendar days or less.
- c. Situations involving interrupted or suspended operations aboard ship.

(1) In cases of suspended or interrupted operations brought about by conditions which cannot reasonably be foreseen, crewmembers who cannot be assigned to other work will be required to use annual leave in all cases where 24 hours advance notice can be given.

(2) When unavoidable circumstances make a 24 hour notice impractical, crewmembers who cannot be assigned to other work will be required to use annual leave only if notice is given before the end of the watch preceding the one on which they are placed on leave. Such involuntary use of annual leave may not exceed ten days in any leave year.

(3) In such situations where neither of the above provisions can be met, crew members who cannot be assigned to other work shall be excused for not to exceed 8 hours, and will then be placed on annual leave for any subsequent continuous absence required beyond 8 hours, provided a 24-hour advance notice can be given.

2-7. GRANTING ANNUAL LEAVE--Annual leave is provided and used for two general purposes: to allow employees an annual vacation period; and to provide periods of time off for personal and emergency purposes. Annual leave accrues automatically. Approval of the employee's request for annual leave is at the supervisor's discretion based on the needs of the service. Supervisors have the responsibility for insuring that annual leave is scheduled to prevent unintended loss of excess annual leave at the end of the leave year. Civil service mariners on annual leave, whether on or off the ship, are subject to recall at anytime. Requests for annual leave will be approved/disapproved and recorded in accordance with the provisions of section 1-8, above.

a. General service requirements--In general, leave requiring the employee's replacement will not be granted to employees with less than six months continuous assignment to a ship or ships. Exceptions to this general rule should be made, when possible, in emergencies and following exceptionally long or arduous voyages. Leave requiring replacement at less than six month

intervals should also be discouraged. Leave not requiring replacement may be granted at the discretion of ships' officers without regard to length of service providing the employee is serving under an appointment of 90 days or longer.

b. Leave on voyage--Annual leave may be granted on voyage, not to exceed the scheduled port layover, when the ship's work requirements permit. If a replacement is unnecessary, leave exceeding port layover may be granted by the Master with a subsequent report to the Commander, home port, but only for a personal emergency such as death in family, etc. In such cases, the employee will be held responsible for returning to the ship at a port designated by the Master. Leave exceeding port layover which is not of an emergency nature should be arranged by the employee with the home port before departure on the voyage. Normally, such leave will be granted only to visit members of the employee's immediate family. Leave on voyage requiring a crew replacement may be granted in emergency cases. Such cases must be submitted to the Commander, home port, with full justification, for advance approval of the leave. Justification will include any plans to fill the vacancy for the remainder of the voyage or reasons why this cannot be done by the ship.

c. Advance applications for leave exceeding turnaround in home port (or the port from which the ship normally operates)--The fact that a replacement must be found for each employee on leave exceeding turnaround in home port (or the port from which the ship normally operates) requires advance notice from each employee who plans to take such leave. The Commander, home port, will establish and promulgate such requirements governing advance notice as may be necessary and consistent with the needs of the Command.

d. Specification of leave--Current records of employees' leave balances will not be maintained afloat. Consequently, when employees want to take annual leave while on voyage, in excess of that accumulated, but not used in the service of the ship to which assigned, they must also request leave without pay to cover any period not covered by annual leave to their credit. As a result, applications for leave in excess of that earned in the service of the ship will show "annual, shore and/or LWOP" on the Leave Application Form. Payment will be made by the Purser only for leave earned in the service of the ship. No payment will be made by the Purser for the remainder of the period until a report has been received from the Comptroller, home port, regarding the employee's annual leave balance. The Comptroller will forward such report to the ship on the basis of the Leave Application submitted with the payroll.

2-8. ADVANCING ANNUAL LEAVE--No annual leave will be advanced to civil service mariners except in unusual and meritorious cases where (1) such action is clearly warranted, (2) the employee involved has a career appointment (Excepted Appointment without limitation) with MSC, and (3) the return of the employee to active duty with MSC can reasonably be presumed. In such cases, annual leave may be advanced not to exceed the employee's potential leave earnings in the current leave year. All such requests shall be forwarded via the Master or Head, Receiving Branch, to the Civilian Personnel Officer for final approval.

2-9. ANNUAL LEAVE FOR RELIEF OFFICERS--Relief officers serving under an appointment of 90 days or longer whose tours of duty are scheduled not less than one full biweekly period in advance shall accrue annual leave, provided that such schedules do not permit deviations, except for unscheduled arrivals or departures of ships or for unforeseen contingencies beyond the control of management. In instances where the work is so irregular or infrequent as not to permit this advance scheduling of the tour of duty, annual leave will not accrue.

b. Accrual of annual leave--Relief Officers whose tours of duty are scheduled as set forth above will accrue leave, based on length of creditable service, as follows:

- (1) With less than 3 years of creditable service, 1 hour of annual leave accrues for each 20 hours in a pay status.
- (2) With 3 years but less than 15 years of creditable service, 1 hour of annual leave accrues for each 13 hours in pay status.
- (3) With 15 years or more creditable service, 1 hour of annual leave accrues for each 10 hours in a pay status.

c. Limitations

- (1) The maximum accumulation of leave shall be governed by the provisions of Section 2-3 above.
- (2) Upon separation, unused accrued leave is subject to lump sum payment or transfer in accordance with Section 2-5 above.

d. Granting annual leave--Annual leave may be granted only for those periods of time for which the relief officer would otherwise have performed scheduled duty. Annual leave will not be charged for absence from scheduled duty in excess of 80 hours in any one biweekly period of service.

Section 3, Sick Leave

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Disposition of Sick Leave Balance upon Separation.....	3-3
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3-1. ACCRUAL AND CREDIT OF SICK LEAVE--Civil service mariners accrue sick leave from date of appointment on the basis of biweekly periods of service. Sick leave is accrued on the basis of 4 hours credit for each full biweekly period of service (13 days per year unless reduction results from absence(s) without pay). There is no limit on the amount of sick leave which an employee may accumulate.

3-2. ACCRUAL REDUCTION--Whenever a full-time employee's absence(s) without pay (non-pay status, leave without pay except while receiving worker's compensation, suspension or furlough) during a leave year totals 80 hours, credited leave is reduced by the amount earned in a biweekly period. Any period of absence without pay totaling less than 80 hours is dropped at the end of the leave year as a factor in leave computation.

3-3. DISPOSITION OF SICK LEAVE BALANCE UPON SEPARATION--An employee does not receive a lump sum payment for unused sick leave upon separation from the Federal service. *If, however, the employee is reemployed with the Federal Government, the unused sick leave is recredited to the employee's account.* When an employee retires, unused sick leave is included as total years of service for annuity computation purposes if the employee is covered by the Civil Service Retirement System (CSRS). If the employee is covered by the Federal Employee's Retirement System (FERS), unused sick leave is not included for annuity computation purposes. Upon transfer to another Federal agency, an employee's accumulated sick leave balance is transferred to the new agency.

3-4. GRANTING SICK LEAVE--Except for illness or injury requiring routine treatment of short duration aboard ship, absences from duty because of illness or injury which incapacitates the employee will be charged to sick leave. Exception: Employees reporting for out-patient treatment for injuries received in the service of their ship will not be charged sick leave unless such absences each exceed eight hours. When absence due to injury is continuous, the employee will be carried in a leave status or on Continuation of Pay for up to 45 days under the Department of Labor's Office of Workers' Compensation Program (OWCP). If the employee cannot return to work on termination of Continuation of Pay, he/she will be placed on LWOP (see 6-1a).

a. Continued pay--Civil service mariners accrue sick leave on the same basis as other Federal employees. However, in the absence of sick leave to their credit, marine personnel afloat are also entitled to "continued pay" when assigned to a ship on voyage but unable to perform duties due to illness or injury. Entitlement to continued pay, following the exhaustion of sick leave, exists only until the employee returns to the home port or the ship to which he is assigned returns to the home port, or to final port of discharge, whichever is sooner. Continued pay of this kind conforms with maritime industry compensation practices. As in the case of civil service employees ashore who have been advanced sick leave, the government is compensated for periods of continued pay by charge of such periods against future accumulations of sick leave. On the other hand, in order to conform as closely as possible with the maritime industry practice, no attempt will be made to collect continued pay from employees who are separated before they have earned sick leave to waver the period of continued pay.

b. Advanced sick leave--Except for sick leave advanced to cover periods of continued pay, as a general rule, sick leave will not be advanced to civil service mariners to be charged against future accumulations of sick

leave. However, in cases of serious injury or illness and when required by the exigencies of the situation where the employee involved has a career appointment ("Excepted Appointment" without limitation) with MSC and the return of the employee to active duty with MSC can reasonably be presumed, sick leave may be advanced not to exceed 30 days, including any sick leave advanced to cover periods of continued pay. Any request for advanced sick leave must be requested by a signed leave application and supported by a medical certificate. All such requests shall be forwarded via the Master or Head, Receiving Branch, to the Civilian Personnel Officer of the area command for final approval. Whenever possible, the advance of sick leave shall be subject to confirmation by the home port medical authority. Sick leave may be advanced irrespective of whether the employee has annual leave to his/her credit. In cases where advance sick leave has been approved, payment for such leave shall cease if circumstances warrant termination of the original grant of advance sick leave.

c. Approval of sick leave--An employee who is unable to perform the duties of the position because of illness shall notify the superior or other appropriate person of the fact as promptly as possible. Requests for sick leave will be recorded and approved in accordance with the provisions of Section 1-8, above. Sick leave applications should be submitted as soon as possible, usually within 3 days after return to duty. Except in an emergency, sick leave requests covering treatment or consultation must be approved in advance. When an employee is receiving medical, dental or optical examinations or treatments, sick leave may be granted for the time spent in receiving the medical, dental or optical examinations or treatments plus reasonable transportation time in connection therewith. In such cases, if the attending practitioner certifies the employee as unfit for duty of any kind, sick leave may be granted for the entire time period for which the employee is certified as unfit for any duty. If the attending practitioner certifies the employee as fit for sea duty, the time between the examinations or treatments will be charged to annual leave, shore leave or LWOP as requested by the employee or if the employee's service is required ashore, such duties may be assigned. If the attending practitioner certifies the employee as unfit for sea duty but fit for duty ashore, the employee will be assigned to available duty ashore. If such duty is not available, the employee will be carried on sick leave. If the employee has no sick leave, advanced sick leave, annual leave, or shore leave may be approved and charged as requested by the employee. Failure to conform with the advance approval requirements may result in disapproval of the leave request. All requests for sick leave while on voyage will be certified by the Medical Service Officer, if one is aboard, otherwise by the department head concerned. All requests for sick leave in the home port will be supported by a medical certificate concurred with by the Area Command Medical Officer, if the sick leave exceeds 3 days. Commands may specify the form for medical certification. In lieu of the medical certificate, a signed statement from the employee showing the nature of illness and the reason why a medical certificate was not furnished may be

accepted whenever it is unreasonable to require that a medical certificate be obtained because of the circumstances. Applications for sick leave to cover periods of 3 days or less for medical, dental or optical examinations or treatment need not be supported by a medical certificate but must contain the name of the practitioner in the space indicated on the Leave Application form.

d. Medical certification when sick leave is abused--When there is reason to believe that an employee may be abusing sick leave privileges, medical certification of each request for sick leave, regardless of the length of time involved, may be required before sick leave will be approved. In such cases, the employee must be warned specifically in writing, in advance that:

(1) Indications exist that the privilege is being abused.

(2) The employee will be required to submit medical certification of each request for sick leave in the future, and that failure to do so may result in the absence being changed to annual leave or to absence without leave (AWOL).

(3) Such certification will be required, regardless of the length of time involved, before sick leave will be approved.

In the event the employee fails to submit medical certification, sick leave may be denied. The employee will be notified in writing of termination of this requirement as soon as the officials concerned are satisfied that the employee is not abusing the privilege. In addition, where an employee has missed the sailing of a ship and claims illness or where the claim of illness is made in connection unauthorized absence, the command may deny sick leave unless the employee produces medical certification of the illness. Prior notification to the individual is not necessary in such cases.

e. Sickness during annual or shore leave--Sick leave may be granted for any periods of illness during annual or shore leave or absence without pay. Area commands may require, however, that all requests for sick leave during annual or shore leave or other absences be supported by a physician's certificate.

f. Enforced leave--In some cases employees, at the time they report for work, are not ready, willing and able to work. For example, a mariner who is intoxicated tries to report for duty as a watchstander. An employee who is not ready, willing and able to perform his/her duties or poses hazards to other employees due to physical or mental problems should be placed in an appropriate leave status. This removal from the workplace through enforced leave, may constitute a suspension and care should be taken to afford the employee the procedural protections of 5 USC Chapter 75. These procedures are outlined in CMPI 750.

g. Employee assistance--In cases when an offer of assistance and reasonable accommodation are appropriate, for instance alcohol, drug abuse, or personal problems, supervisors will grant sick leave or other appropriate

leave for the purpose of treatment or rehabilitation as with any other illness.

h. Liquidation of advance sick leave--When an employee is indebted for advance sick leave, and has excess annual leave which must be forfeited at the end of a leave year, the advance sick leave may be liquidated, upon an employee's request, by a charge against an equivalent amount of annual leave. However, annual leave must be charged prior to the time it would be forfeited. The liquidation of advance sick leave is to be distinguished from the case of substitution of annual leave for sick leave previously granted, to avoid forfeiture at the end of the leave year. There is no authority to substitute annual leave for sick leave for the sole purpose of avoiding forfeiture of annual leave at the end of a leave year. However, annual leave in lieu of sick leave may be granted on a current basis upon request of an employee.

i. * Use of sick leave to care for family members--An employee may use sick leave to provide care for a child, spouse, or parent as a result of sickness, injury, pregnancy, or childbirth, to make arrangements necessitated by the death of a family member, or to attend the funeral of a family member.

(1) Full time employees may use a total of up to 40 hours (5 workdays) of sick leave each for family care or bereavement purposes. In addition, full-time employees who maintain a balance of at least 80 hours of sick leave may use an additional 64 hours (8 workdays) of sick leave per year for these purposes bringing the total amount of sick leave available for family care and bereavement purposes to a maximum of 104 hours (13 workdays) per year.

(2) Employees are permitted to use sick leave for the entire period of time during which health authorities having jurisdiction or a health care provider determines that an employee's exposure to communicable disease would jeopardize the health of other employees. Full-time employees are limited to a total of 13 days of sick leave per year when it cannot be determined that an employee's exposure to a family member's communicable disease would jeopardize the health of other employees.

(3) Employees may use sick leave for adoption-related purposes.*

3-5. SICK LEAVE FOR RELIEF OFFICERS

a. Advance scheduling--Relief officers whose tours of duty meet the advance scheduling requirements of Section 2-9 above and therefore, earn annual leave, shall accrue, and may be granted, sick leave as specified in this section.

b. Accrual of sick leave--Irrespective of length of service, 1 hour of sick leave will be credited for each 20 hours in a pay status. There is not limit on the amount of sick leave which an employee may accumulate.

c. Granting sick leave--Sick leave may be granted only for those periods of time for which the relief officer would otherwise have performed scheduled duty. Sick leave will not be charged for absence from scheduled duty in excess of 80 hours in any one biweekly period of service.

Section 4, Shore Leave

	Paragraph No.
Accrual and Credit of Shore Leave.....	4-1
Granting Shore Leave.....	4-2

4-1. ACCRUAL AND CREDIT OF SHORE LEAVE--Civil service mariners assigned to duty afloat except relief officers and local nationals earn shore leave subject to the provisions of this section.

a. Computation of shore leave--A civil service mariner earns shore leave at the rate of 1 day of shore leave for each 15 calendar days of absence on one or more extended voyages. When a ship crosses the International Date Line and a day is lost or gained, it has no effect on the computation of shore leave. Shore leave is in addition to annual leave and may be accumulated without limitation.

b. Determination of length of voyage--A voyage begins either on the date the employee assumes his duties aboard an oceangoing vessel to begin preparation for a voyage or on the date the employee comes aboard when a voyage is in process. The voyage terminates on the date the employee ceases to be an officer or crew member of the oceangoing vessel or on the date on which the employee is released from assignment of duties relating to that voyage aboard the oceangoing vessel at the home port, whichever is earlier. In computing days of absence on extended voyage the following shall be included: the beginning date of a voyage and the termination date of a voyage; the days an employee spends traveling to join an oceangoing vessel to which assigned when the vessel is at a place other than the port of origin; the days an employee spends traveling between oceangoing vessels when the employee is assigned from one vessel to another; the period representing the number of days within which an employee is reasonably expected to return to the port of origin when the oceangoing vessel's voyage is terminated or his/her employment as an officer or crewmember is terminated, at a port other than the port of origin; the days on which the employee is on sick leave when during a voyage (whether or not continued as a member of the crew) but not beyond the termination date of the voyage of the oceangoing vessel or repatriation to the port of origin, whichever is earlier; and the days of approved leave from a vessel (paid or unpaid) during a voyage.

c. Reduced Operational Status (ROS) Periods--When an employee is assigned duty in a ship in ROS status the specific ROS status and other circumstances will determine the applicability of shore leave.

(1) ROS Alfa--A vessel in ROS Alpha is one that is active but is in a minor repair period or overhaul, inport for a period of time between

missions with or without a full crew, or in a major repair/alteration period without a full crew.

(2) ROS Bravo--A ship in ROS Bravo has been withdrawn from FOS due to decreased operational requirements, is undergoing activation or deactivation, or being held for contingencies or emergencies.

Evolution	Ship Status	ROS Status	Ship Location	Shore Leave Accures?
Minor repair period or voyage repairs	Active	A	At homeport or away from homeport	Yes
Major repair period or "civmod" yard period	Active	A	Away from homeport	Yes
Major repair period or "civmod" yard period	Active	A	At homeport	No
Activation from layup	Active	N/A	At homeport or away from homeport	Yes (from date of activation order)
Pre-delivery of new construction; assigned from pool in observer/ orientation role	N/A	N/A	Away from homeport	No
Pre-transfer of ex-active Navy-crewed ships; assigned from pool in observer/ orientation role	N/A	N/A	At homeport or away from homeport	No
Other, being maintained with reduced crew	Active	B	At homeport or away from homeport	Yes

4-2. GRANTING SHORE LEAVE--An employee has an absolute right to use shore leave, subject to the right of the Commander, home port to fix the time

at which shore leave may be used. Employees must request shore leave at which time leave will be approved or disapproved based on work requirements. During a voyage, requests for shore leave must be in writing. Requests for shore leave will be recorded and approved in accordance with the provisions of Section 1-8 above.

a. Charge for shore leave--The minimum charge for shore leave is one day and additional charges are in multiples thereof.

b. Lump sum payment--Shore leave may not be the basis for lump sum payment on separation from the service.

c. Terminal leave--Terminal shore leave is prohibited except under special or emergency situations when the employee was unable to use shore leave due to circumstances beyond his/her control. Area commands will provide, whenever possible, opportunities for employees to use shore leave to avoid forfeiture and will document periods during which shore leave is denied. This information is essential to justify the denial or authorization of terminal shore leave. For the purpose of this paragraph, terminal leave is approved absence immediately before the employee's separation when it is known that the employee will not return to duty before the date of separation from the service.

d. Forfeiture of shore leave--Shore leave not granted before separation from the Federal service, or official permanent assignment to a position in which the employee does not earn shore leave, is forfeited. When an assignment will result in forfeiture of shore leave, the employee, to the extent administratively practicable, will be given an opportunity to use accrued shore leave before the reassignment. When shore leave cannot be approved prior to such reassignment, it may be taken not later than six months after the effective date of the reassignment.

e. Transferability of shore leave--When a CIVMAR transfers between area commands to a mariner position, shore leave accrued shall be transferred to the receiving command.

Section 5, Other Types of Leave

	Paragraph No.
Absence for Maternity Reasons.....	5-1
Absence for Paternity Reasons.....	5-2
Family and Medical Leave.....	5-3
Court Leave.....	5-4
Military Leave.....	5-5
Excused Absence.....	5-6

5-1. ABSENCE FOR MATERNITY REASONS--The absence of a civil service mariner due to pregnancy and confinement is to be treated like any other medically certified temporary disability. Leave granted for maternity reasons may include sick leave, annual leave, shore leave and leave without pay. Sick leave may be granted to cover the time required for physical examination and

to cover periods of incapacitation. After delivery and recuperation, annual leave shore leave and/or leave without pay may be granted for such matters as periods of adjustment or arrangements for child care.

a. Procedures--An employee should make known to the appropriate department head as soon as possible her intent to request leave for maternity reasons. Requests should include the type of leave contemplated, approximate dates and the anticipated duration of absence from work. Requests for such leave will be recorded and approved in accordance with the provisions of Section 1-8, above.

b. Command responsibilities--Area commands should endeavor to provide gainful employment and make use of skills for as long as the employee is not incapacitated for sea duty. Area commands should also be aware of any particular working conditions or strenuous requirements which could have an adverse effect on the employee or the unborn child. Advice should be obtained from the medical officer for such conditions and the employee should be advised of the medical opinion. If the employee, after consulting her physician, requests modification of her duties or a temporary reassignment to other available work for which she is qualified, every reasonable effort should be made to grant the request, including temporary assignment to duties ashore.

5-2. ABSENCE FOR PATERNITY REASONS--Male employees may request annual leave, *sick leave*, shore leave and/or leave without pay for purposes of caring for their minor children or the mother of their newborn while she is incapacitated for maternity reasons. Requests for and approval of leave for these reasons should be consistent with the applicable provisions of this instruction regarding the granting of annual leave, shore leave and leave without pay.

5-3. *FAMILY AND MEDICAL LEAVE--Employees are entitled to up to a total of 12 workweeks of unpaid leave during any 12 month period for one or more of the following reasons:

- a. the birth of a son or daughter of the employee and the care of such child (within one year after birth);
- b. the placement of a son or daughter with the employee for adoption or foster care (within one year after placement);
- c. the care of a spouse, son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition; or
- d. a serious health condition of the employee that makes the employee unable to perform the essential functions of his or her position.

An employee shall take only the amount of family and medical leave that is necessary to manage the circumstances that prompted the need for leave as listed above.*

5-4. COURT LEAVE--Court leave is the authorized absence (without loss of, or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance or efficiency rating) of a full time or part time civil service mariner from work status for jury duty, or for attending in a nonofficial capacity any judicial proceeding on behalf of the United States Government, the District of Columbia or a State or local government. Service as a witness on behalf of the United States or the District of Columbia, or service in an official capacity on behalf of a state or local government is considered part of an employee's official duty.

a. Command policy--To the extent permitted by operations, area commands are encouraged to grant court leave to civil service mariners for jury duty or service as a witness, as defined by Section 5-3, above. Approvals for such absences, including entitlement to fees and travel expenses, are to be made in accordance with the provisions of 5 C.F.R. 610 and 5 C.F.R. 630.

b. Procedures--Requests for court leave will be recorded and approved in accordance with the provisions of Section 1-8, above.

5-5. MILITARY LEAVE--Civil service mariners serving under a permanent appointment or temporary appointment of one year or more on a full time or part time basis who are members of the National Guard or reserve components of the Armed Forces are entitled to leave without loss of pay, time, or performance or efficiency rating for active duty or active duty training.

a. Accrual--Military leave accrues at the rate of 15 days per fiscal year for full time employees and is prorated for employees who are part time. To the extent that the full accrual is not used in a fiscal year, it accumulates for use in the succeeding fiscal year until it totals 30 days at the beginning of a fiscal year. Military leave is charged in increments of full days.

b. Command policy--Approvals for such absences are to be made in accordance with the provisions of 5 U.S.C. Chapter 63. In general, the employee must be in a pay status immediately prior to the beginning of military duty or must return to a pay status immediately afterwards in order to be entitled to military leave.

c. Procedures--Requests for military leave should be made as far in advance as possible. Requests for military leave will be accompanied by competent orders. Requests will be approved and recorded in accordance with the provisions of Section 1-8, above.

5-6. EXCUSED ABSENCE--An excused absence is an absence from duty administratively authorized without loss of pay and without charge to leave.

Such absences are ordinarily authorized on an individual basis for such reasons as registration and voting, blood donations, civil defense activities, etc.

a. Command policy--An excused absence of a civil service mariner from duty during the basic work week without charge to leave must be based upon a legal or regulatory authority as outlined in Section 1-5.**

b. Tardiness--An employee who reports late for duty is considered tardy. The approving authority may excuse the tardiness, up to one hour, if acceptable reasons are offered. Otherwise, the employee must be placed in an appropriate leave status (annual leave, sick leave, leave without pay or absence without leave.)

Section 6, Absence Without Pay

	Paragraph No.
Leave Without Pay.....	6-1
Absence Without Leave.....	6-2
Report of Absence Without Pay.....	6-3

6-1. LEAVE WITHOUT PAY (LWOP)--Leave without pay may be granted only upon request of the employee. It may generally be granted regardless of any leave with pay to the employee's credit. The authorization of LWOP is a matter of management discretion, except that authorization in the following cases is mandatory:

- a. An employee receiving workers compensation benefits will receive LWOP for at least the first year, after which LWOP may be extended in increments of 6 months when review of the case indicates that the employee will be able to return to work within 6 months to a year.
- b. A disabled veteran who requires LWOP in order to receive medical treatment, as certified by a duly constituted medical authority.
- c. A reservist or National Guardsman who requires LWOP to perform military training duties.

Except in unusual circumstances, LWOP should not be initially granted for periods in excess of one year.

d. Employees should be advised that extended LWOP will have the following effects:

- (1) Periods of LWOP in excess of 22 days are not creditable for completion of the trial period.
- (2) Periods of LWOP in excess of 6 months in any calendar year are not creditable for completion of the 3 years of continuous service required for conversion to Excepted Appointment.

(3) Employees must pay for Federal Health, Benefits coverage after 30 days in LWOP status.

6-2. ABSENCE WITHOUT LEAVE (AWOL)--Employees who are absent from duty without authority should be carried in a AWOL status for the period of absence unless a later determination is made that the absence should be charged to appropriate leave. AWOL will be charged for the exact amount of time the employee is absent.

a. Non-pay status for alleged deserters--An employee who is believed to be a deserter will be carried as AWOL. Additional procedures to be followed in desertion cases are outlined in CMPI 750.

b. Employees who return to the ship after apparent desertion--An apparent deserter who returns to the ship during the voyage requesting restoration to active duty will be restored to duty in the crew, unless the Master refuses restoration for reasons outlined in CMPI 750. If the employee is not restored to duty in the crew, the employee will be immediately placed in the Receiving Branch and will be carried as AWOL from the Receiving Branch until such time as he/she reports there for duty.

6-3. REPORT OF ABSENCE WITHOUT PAY--Leave without pay, and absence without leave will be reported to the area commands, with inclusive dates as LWOP, or AWOL. LWOP in excess of 30 days, suspension, and return to duty actions will be recorded in accordance with instructions in the Guide to Processing Personnel Actions.

Section 7, Liberty

	Paragraph No.
Basic Policy.....	7-1
Sailing Board Time.....	7-2
Premium Pay when Liberty is Restricted.....	7-3
Relationship of Leave and Liberty.....	7-4
Launch Service for Leave and Liberty Parties.....	7-5

7-1. BASIC POLICY--Consideration of efficiency, morale and the safety of the ship, passengers, crew, cargo, and equipment determine the granting of liberty. Liberty will normally be granted during off-duty hours in port unless conditions exist which warrant the restriction of liberty in line with the provisions of this Instruction. The Master will inform the Commanding Officer, Military Department, regarding decisions to grant or restrict liberty for the civilian crew. This exchange of information, however, is not required to assure the same treatment for civilian and military members of the ship's complement. Identical treatment is not possible within the regulations which apply to each group. Instead, it is required so that decisions regarding liberty may be made which will avoid unnecessary differences in treatment. It is expected that the Master will carry out similar cooperative liaison in the case of other ships having a contingent of military or scientific personnel.

7-2. SAILING BOARD TIME--Sailing time will be posted at the gangway within 30 minutes after arrival when the ship's stay in port will be twelve hours or less. When the ship's stay will exceed twelve hours, sailing time will be posted eight hours prior to scheduled sailing, if before midnight. If sailing is scheduled between midnight and 0800, sailing time will be posted as soon as possible but no later than 1700. When the ship arrives on a weekend between 1700 Friday and 0800 Monday and is scheduled to sail prior to 0800 Monday the sailing board will be posted not later than two hours after arrival. The sailing board will be posted not later than 1700 Friday when the ship is scheduled to sail a weekend between 1700 Friday and 0800 Monday. In the event Friday is a holiday, sailing board will be posted prior to the holiday. If Monday is a holiday, then the following Tuesday will be substituted in lieu of Monday. Whenever the ship's departure time is changed, the new time of departure will be immediately posted on the sailing board. (See CMPI 610 concerning premium pay in relation to sailing board requirements.)

7-3. PREMIUM PAY WHEN LIBERTY IS RESTRICTED--Consistent with local port regulations, crew members are normally granted liberty in port when they are not scheduled to work. The Master may deny liberty during emergencies aboard ship without payment of premium pay. The Master may not deny liberty for reasons within his/her exclusive control without premium pay (see CMPI 610 for the applicable rate). However, under the conditions described immediately below, liberty may be restricted without premium pay since matters of regulation or other factors beyond the Master's control are involved. It is the Master's duty to inform all personnel concerned of the reasons for restriction of liberty.

a. Unsafe conditions--Liberty may be restricted without premium pay where conditions to transit from the ship or ashore in the port concerned are obviously and abnormally unsafe due to civil strife, military action, outlawry or natural causes. In the absence of a written request of official order from competent shore authorities for restriction of civil service personnel, no liberty restrictions will be applied if military personnel and passengers are permitted to go ashore on liberty.

b. Order by port authorities--The Master will deny liberty without premium pay when competent port authorities order the restriction of the crew. In ports or other areas outside the United States which are under United States military control and where ships with civilian crews may call, it is the policy of the Department of Defense that liberty for civilian crew members should be permitted whenever possible and for that purpose the transit of civilian crew members through military bases should be permitted when necessary to reach civilian areas. Exceptions to the foregoing are permitted in order to enforce agreements made at the request of civilian authorities, and restrictions required by considerations of immediate security for a local command. The Department of Defense policy further provides that all orders issued by local commanders which restrict or limit liberty of civilian crew members should:

(1) Be issued in writing over the signature of an officer designated to sign for the command and should indicate the reason for the restriction.

(2) State clearly whether or not liberty is completely or partially restricted and specify the facilities affected and the conditions imposed.

(3) Be provided to the master of the ship for publication to civilian crew members.

c. Restriction of individuals--Individuals will be restricted from liberty without premium pay when specifically requested by competent authorities ashore. Further, the Master may deny liberty without premium pay to any employee who, during the same visit to a port of call or a previous visit on the same voyage, engaged in conduct ashore of a nature which adversely reflected on MSC or the Navy. The Master will inform the individual, preferably in writing, of a restriction as soon as practicable after it is determined that the employee is to be restricted.

d. Arrival day and sailing day restrictions--Restrictions of liberty without premium pay is authorized as described below:

(1) Arrival day--Arrival day liberty will not be granted employees until the ship has been cleared by the port authorities.

(2) Sailing day--Return from leave and liberty on sailing day from any port will be scheduled so that the entire crew will be on board one hour prior to the time posted on the sailing board.

e. Report of personnel who fail to return from leave or liberty--A list of stragglers or of personnel left ashore on leave or liberty because of a sudden change in sailing time will be given to the MSC representative, if one exists, or to other proper authority in the port of call in compliance with port regulations. In the home port of any ship's operating command, the Civilian Personnel Officer will be immediately notified of crew members who fail to return from leave or liberty.

7-4. RELATIONSHIP OF LEAVE AND LIBERTY--Employees who take leave while on voyage should be advised of the expiration of liberty in connection with such leave. This will be done by indicating the hour and day the employee is to return to the ship on the Leave Application form. Similar action may be taken with regard to leave in the home port.

7-5. LAUNCH SERVICE FOR LEAVE AND LIBERTY PARTIES

a. Provisions of service--When possible, and when needed to enable ship's personnel to go ashore on leave or liberty, Masters will make every reasonable effort to provide launch service for embarked personnel. Sources for such service will include, in order of priority:

- (1) boats from other Government ships in the same port;
- (2) commercial launch service when no boats from other Government ships are available;
- (3) the ship's self-propelled boats, if deemed safe by the Master, when boats in the first and second categories are not available.

Launch service will be scheduled, whenever possible, so that the crew may have the fullest benefit of liberty hours. Employees will not be entitled to premium pay for restriction of liberty if provisions of launch service is delayed or precluded by factors beyond the control of the ship's officers. Employees who fail to avail themselves of the service provided are not entitled to special service. Launch service will be provided only when the conditions below exist:

- (1) The trip to or from shore may be made safely.
- (2) The ship is to be anchored or moored for a period of more than 8 hours.

b. Personal arrangements for transportation--In ports where regular boat service is not available, members of the crew may make their own arrangements for transportation. In such cases, personnel will be reimbursed up to \$2.00 per round trip per individual carried once each 24 hours.

