

CIVILIAN MARINE PERSONNEL INSTRUCTIONS

CMPI 630 - COVER SHEET 104

LEAVE AND LIBERTY

NAVEXOS P-833-630-104

Stock No. -- 0511-278-0099

30 July 1969

Attached is a revision of CMPI 630, LEAVE AND LIBERTY, which should be substituted for the present issue in the CMPI volume. The "Record of CMPI Cover Sheets Received" should be initialed and this cover sheet should be filed.

REASONS FOR CHANGES

This Instruction is revised for the following reasons:

To update outmoded contents and references to basic documents; to incorporate previous pen changes; and to effect editorial changes.

CMPI 630.1-4b, 2-5b and 4-2b. --Amended to recognize the fact that many ships operate on extended voyages thus making it unrealistic to condition the granting of annual leave on the employee's requesting LWOP in certain cases of leave exceeding turnaround.

CMPI 630.1-14. --Amended to require that a copy of a disapproved leave request be retained by the disapproving authority for subsequent reference if needed.

CMPI 630.2-5b. --Amended to delegate to the Commander, home port, the authority to establish requirements governing advance notice in cases of applications for annual leave exceeding turnaround in home port (or the port from which the ship normally operates).

CMPI 630.3-3e(2). --Amended to provide specifically that sick leave may be denied if an employee is unable to perform duties because of his unauthorized use of drugs rather than because of ill effects from drug addiction.

CMPI 630.4-3 and 4-4. --Amended to eliminate the requirement for the administrative suspension (or voluntary LWOP) of an alleged deserter pending completion of action on the desertion charge in those cases in which he reports to the Receiving Branch for duty; and to permit, instead, his being placed in a duty status or carried on annual or shore leave or LWOP pending completion of the action. The amendments also recognize the fact that many ships operate on extended voyages.

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CMPI 630.6-2. --Amended to recognize the Master's liaison responsibility in granting liberty in the case of non-passenger ships having a contingent of military or scientific personnel.

CMPI 630.6-4c. --Amended to require that the Master inform an employee, preferably in writing, as soon as practicable after it is determined that the individual's liberty is to be restricted.

CMPI 630.6-6a and b. --Amended to establish that the ship's self-propelled boats may be used for launch service only when boats from other Government ships and commercial launch service are unavailable.

EFFECTIVE DATE

The provisions of this revision are effective upon receipt.

Authorized
for MSTS:



L. P. RAMAGE
Commander,
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By direction of the Secretary of the Navy:



W. E. GEROW
Acting Director of
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Approved: 20 June 1969

Distribution:

OCMM Special List #25m
SNDL T-100 (7 copies)

INSTRUCTION 630
LEAVE AND LIBERTY

Section 1. General provisions

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3. Sick leave
4. Absence without pay
5. Disposition of ★ annual and sick★ leave upon separation
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SECTION 1, GENERAL PROVISIONS

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1-1. **SCOPE.** --This Instruction deals with the earning and use of leave by marine personnel. Rules are set forth on the subject of annual, sick and shore leave and liberty. This CMPI also deals with leave without pay status, suspension for administrative reasons, and related subjects. CMPI 610 and CMPI 531 deal with the question of holidays and leave taken in conjunction with holidays. The subjects shown in a through d below are ★among those★ not directly covered in this Instruction (see also Section 9★★★). These topics were left out since they are not of day-to-day interest to personnel afloat. Personnel who need help on any of the matters shown below should seek advice of the Purser, or, if he cannot help, the Industrial Relations Office of any MSTS command which employs marine personnel.

- a. Maternity leave for female personnel.
- b. Military leave (excused absence for training duty in a United States military reserve unit of the National Guard, the Army, Navy, Marine Corps, Air Force, or Coast Guard).
- c. Court leave (absence for jury duty or to serve as a witness on behalf of the United States or the District of Columbia).
- d. Excused absence for purposes of donating blood, taking job connected examinations, attendance at conferences and conventions in which the Navy has an interest, voting and registration in local and national elections, examination under the Military Selective Service Act of 1967, etc.

1-2. **COVERAGE.** --This Instruction applies to civilian marine employees within and without the★★★United States, with the following exceptions:

- a. Local nationals (indirect hires) employed outside the ★ United States. --Leave regulations governing such employees will be governed by policies established in cooperation with

other Federal agencies in the area of employment. The leave benefits allowed under such measures may not exceed the benefits described in this Instruction. Any policies adopted which are not in keeping with this Instruction will be reported to COMSTS.

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 public interest. Prior approval of COMSTS 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 plan which are not in keeping with this Instruction will be reported to COMSTS.

c. Shore leave. --This form of leave applies only to civilian marine employees within and without the ★★★ United States who are regularly assigned to duties aboard an oceangoing vessel with the exceptions stated in a. and b. above and also with the exception of relief officers.

1-3. AUTHORITY. --★Authority for this Instruction derives from the statutes and Civil Service regulations in the Federal Personnel Manual, Chapter 630 and Supplement 990-2, Book 630.★ Further, some of the provisions of this Instruction are based on Section 5342 of Title 5, U. S. Code (formerly Section 202(8) of the Classification Act of 1949). ★That Section★ provides that the ★ pay ★ of officers and members of crews of vessels shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry. ★Other provisions of this Instruction reflect the requirements of Sections 7511, 7512, and 7701 of Title 5, U. S. Code (formerly Section 14 of the Veterans' Preference Act of 1944, as amended.)★

1-4. GENERAL POLICY.

a. Conformity with maritime practice. --Leave rights of marine personnel are largely controlled by law which applies to most Federal civil service employees. In line with Section 5342 of Title 5, U. S. Code, the standard government leave practice has been changed, where basic law permits, to meet the maritime practice.★★★

b. Basic principles. --In general, the right to grant leave and liberty rests with ships' officers except when a replacement is required. In the latter case, the Industrial Relations Office in the home port must also approve leave grants. In granting leave within the requirements of this Instruction, it is the duty of management to take action which will support morale, assure needed rest or treatment, reduce employee turnover among ships, and assure adequate crews in line with ships' requirements. Granting leave for the purpose of ridding the ship of an undesirable employee is prohibited. All such cases must be processed under CMPI 750 ★ or 352, as appropriate.★ 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 or compensatory time. (Note that compensatory time is applicable only to Chief Engineers. See CMPI 610.)★★★ All leave taken in the home port whether authorized or unauthorized separates the employee from "the service of the ship". The employee re-enters the service of the ship when his leave is terminated and he returns to work aboard ★★★ ship.

1-5. 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 recorded on the Crew Change Report. 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, MSTS Form 12630-1 (Rev. ★6-69★). One copy of the approved Application Form will be furnished the employee. Additional distribution of copies will be determined by the Commander, home port. (Note: No employee will be "paid off" when a replacement is required from the home port before the Industrial Relations Office has approved the request for leave.)

1-6. ACCRUAL AND CREDIT OF ★ANNUAL AND SICK★ LEAVE. --Annual and sick leave accrue to employees while in a pay status. Leave also accrues while on leave. Whenever a full-time employee's absence without pay (non-pay status, leave without pay, suspension or

furlough) during a leave year totals 80 hours, his credited leave is reduced by the amount he earns in a bi-weekly service period. When reduction in leave credits is required during the last pay period in the calendar year, and involves an employee in the 6 hour leave accrual category (entitled to accrue 10 hours in such period) leave credits for that period shall be reduced only in the amount of 6 hours. Any periods of absence without pay totaling less than 80 hours are dropped at the end of the leave year as a factor in leave computation. ★ For accrual and credit of shore leave and home leave see Sections 8 and 9, respectively.★

1-7. RECREDIT OF ★ ANNUAL AND SICK★ LEAVE. --When an employee is re-employed, without a break in service, his annual leave account is subject to credit or charge to his account in the new position. Employees who are rehired during a period covered by lump-sum payment for annual leave will be required to refund to MSTS an amount equal to the compensation for the unexpired portion of the annual leave covered by the lump sum. The leave represented by any such refund will be recrated to the employee in an amount equalling the refund. Exception: persons who are re-employed following service under a different leave system will have any leave recrated on an adjusted basis which prescribes that 7 calendar days of leave shall be considered equal to 5 work days. Sick leave is recrated when the break in service, if any, has been not more than 3 years. An employee who left a position to enter active military service shall have leave recrated or charged to his account provided he is re-employed within 3 years after separation from military service. Leave already forfeited is not revived under this provision. Recrated leave may be used by the employee during the first 90 days of his re-employment (see 2-2★★★). (For details concerning recredit of leave see ★Section 9★.)

1-8. MINIMUM LEAVE CHARGE. --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.

1-9. WHEN LEAVE IS CHARGED AND HOW COMPENSATED. --Except in special cases such as court leave (see ★Section 9★) and cases shown following this paragraph, employees will be carried on annual leave, sick leave, shore leave, or leave without pay for all approved absences during their basic work week (see CMPI 610 for hours of work). Leave is charged for absence whether or not premium pay is applicable to the employee's assigned 8 hours of duty in the basic work week. Except as provided in g, h, and i, below, personnel without assigned tours of duty who are on call 24 hours a day (Masters, Chief Engineers and certain Chief Stewards--see CMPI 610. 1) will be charged leave for absences from duty between 0800 and 1700 except Saturdays, Sundays and holidays. Annual, sick, and shore leave will be compensated at the base rate of pay. Exceptions: ★See CMPI 610. 15-1 regarding ★sick leave taken in bonus areas. ★★★ 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 1-12 below.)

b. Absence from duty outside the employee's basic 8 hours of duty on any work day within the basic work week.

c. Absence from duty on overtime days. Absences on such days will result in the loss of overtime or other premium pay that would otherwise have been paid if the employee had remained on duty (see 1-11 below).

d. Absence from regular work resulting from the employee's participation in official Federal Government hearings or investigations in which the employee is a witness, interested party, or representative.

e. Any absence up to 8 hours during which an employee is receiving treatment for an injury received in line of duty.

f. Absence ashore in an outport resulting from MSTS action other than separation from the ship for misconduct. (Example: Absence resulting from change in sailing time.)

g. ★ Partial★ absence from duty between 0800 and 1700 of certain Chief Stewards without assigned tours of duty (see CMPI 610. 1).

h. Absences from duty of Chief ★★★ Engineers between 0800 and 1700 where compensatory time is specifically authorized.

i. Part-day absences from the ship (less than 24 hours) of Masters while the ship is in an outport or in home port during home port turnaround. In an outport where there is a local MSTS

authority, such absence must be approved by that authority. In home port the absence must be approved by the ACOS Operations ★ or other official designated by the Commander, home port.★ Further, such absences do not relieve the Master of his responsibility for his ship at all times. Before absenting himself from his ship in port, he must assure himself that all shipboard matters are under proper control and that his absence would not be in conflict with his final responsibilities.

1-10. STATUS DURING REPATRIATION. --See CMPI 4651, REPATRIATION, for answers to questions of the pay or non-pay status of employees being returned to the country, territory, or possession in which their home port is located following separation from their ship while on voyage.

1-11. ABSENCE (OVERTIME DAY). --Watchstanders who are scheduled for regular duty on an overtime day will not be charged sick, annual or shore leave to cover any absence from such duty. (Note that Saturdays, Sundays and holidays are not overtime days afloat for non-officer deck watchstanders or steward personnel other than clerical compensated under the Pacific Coast Schedule of Wages.) Nevertheless, application for approval of absence during regularly assigned duty hours on an overtime day will be made on the MSTS Form CMPI 12630-1 (Rev. ★ 6-69★). Under these conditions block 4 of the Leave Application will show "Absence (overtime day)" as the type of absence requested. The remainder of the Application will be executed as required when regular leave is requested. No overtime or other premium pay will be paid for the period of absence. (Exception: see ★ CMPI 610 for rules concerning bonuses and hazard pay★). Note that this provision for not charging leave for absences of watchstanders on overtime days does not apply to scheduled tours of duty which occur within the basic work week but fall within overtime hours. Example: Sea watches stood during port-time overtime hours. In such cases, the employee will be charged leave for his absence and will be paid for the leave at the straight time rate of pay.

1-12. EXCUSED ABSENCE (NO AVAILABLE DUTIES). --In accordance with maritime practice Radio Officers will not be charged annual leave when they are granted time off in port when no available duties remain to be performed. This means that Radio Officers may be excused from the ship during their normally assigned duty hours when no duties are available, within the rating of the employee, which he may properly be expected to perform during the port stay (see CMPI 610). Approved absence (no available duties) will be authorized in the same manner as absence (overtime day). Block 4 of the Leave Application will show "Approved absence (no available duties)" as the type of absence requested. The remainder of the Application will be executed as required when regular leave is requested. The ★ approval of the action authority ★ will constitute certification that no available duties, within the meaning of the term as described above, remain to be performed by the Radio Officer without premium pay.

1-13. APPROVAL OF LEAVE. --Leave will be approved by the ★action★ authorities below:

<u>Position of Leave Applicant</u>	<u>★Action★ Authority</u>
<u>a. Masters</u>	Commander, home port, or ★ Industrial Relations Officer ★, by direction of the commander, home port, with the advice of the interested shore division.
<u>b. Department heads, including Chief Engineer</u>	Master, with the advice of the interested shore division during home port periods.
<u>c. Subordinates of department heads</u>	Department head concerned.
<u>d. Receiving Branch</u>	Appropriate Industrial Relations 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 place. Aboard ship, the Leave Application will be referred to the Purser for distribution after approval. (See 2-5c concerning approval of leave on voyage.).

1-14. DISAPPROVAL OF LEAVE. --When a leave request is disapproved, a brief statement of the reason will be noted ★by the action authority in Block 10, Remarks, of★ the Leave Application which will be returned to the employee. ★A copy of the disapproved Leave Application will be retained by the disapproving authority for subsequent reference if needed.★

SECTION 2, ANNUAL LEAVE

	Paragraph No.
Accrual and credit of annual leave	2-1
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2-1. ACCRUAL AND CREDIT OF ANNUAL LEAVE. --Marine employees based in the United States and ★ U. S.★ citizen marine personnel based outside the ★★★ U. S. accrue annual leave on the basis of biweekly periods of service. Full time employees accrue annual leave on the following basis regardless of whether they are on variable work week (40 and 56 hour) tours of duty:

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

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

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

2-2. 90 DAY SERVICE REQUIREMENT. --Each marine employee must have been in the Federal service for a continuous period of 90 calendar days without a break in service of one or more work days before he is entitled to earn annual leave. Annual leave for the 90 day qualifying period will be credited to the employee at the rates shown in 2-1 above as soon as he completes 90 days of current continuous employment. All leave taken during this initial 90 day period, which otherwise would be appropriate for annual leave, will be charged to leave without pay. Exception: Personnel who are re-employed with recredit of leave may use such leave during the first 90 days of re-employment. Employees who are separated before completion of the 90 day qualifying period do not receive credit for annual leave. Leave without pay granted during the 90 day period is not considered as a "break in service".

2-3. MAXIMUM ACCUMULATION. --In general, any civilian marine employee whose employment is confined to the United States and its continental waters will be subject to the 30-day accumulation provisions applicable to employees within the continental United States. However, civilian marine employees employed in ships that are in service for operations outside the continental waters of the United States, including those ships operating out of continental United States ports, shall be entitled to accumulate annual leave not to exceed 45 days at the beginning of the first biweekly service period occurring in any year. Leave in excess of 30 or 45 days, as provided above, which was accumulated under previous provisions of law may be carried forward in succeeding years until used. Consistent with the

needs of the Service, employees will be given an opportunity to use excess leave in order to avoid forfeiture because of limitations of annual leave accumulations and lump-sum leave payments.

2-4. 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. (See 4-4 ★★★ for limitations in cases of veterans pending adverse action.) 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. During assignment to the Receiving ★ Branch★ when work or training is not available.
- d. Except in veterans' cases under ★ Sections 7511, 7512 and 7701 of Title 5, U. S. Code (formerly Section 14 of the Veterans' Preference Act of 1944, as amended),★ when assigned to the Receiving ★ Branch ★ in connection with disciplinary action or other investigations. (Time spent in the command in connection with actual processing of the case is not charged to leave.)
- e. 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 five 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.

2-5. GRANTING ANNUAL LEAVE. --The granting of annual leave is discretionary with the approving authority. Civilian marine personnel on annual leave are subject to recall at any time.

a. General service requirements. --In general, leave requiring the employee's replacement ★★★ will not be granted to employees with less than six months' continuous service with MSTS. 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 months intervals should also be discouraged. Leave not requiring replacement may be granted at the discretion of ships' officers without regard to length of service since the employee's last period of extended leave. Note, however, that employees with less than 90 days' current continuous service may not be granted annual leave unless they have had leave recredited from previous service (see 1-7 and 2-2 above).

b. 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.★

c. Leave on voyage. --Annual leave and/or LWOP 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 may be held responsible for returning to the ship at a port designated by the Master. Failure to do so may result in appropriate disciplinary action. Leave on voyage requiring a crew replacement may be granted only 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. Employees granted emergency leave on voyage may be returned to their home port by assignment to a suitable vacancy, if

existing, in a returning ship; by transportation as work-aways; or in accordance with the provisions of CMPI 4650.2-10. Cognizant MSTS officials will extend all possible assistance to employees granted emergency leave to facilitate transportation arrangements and timely arrival at destination. Any passport requirement must be met. 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 family.

d. Charging annual leave against future accrual. --No annual leave will be granted to marine personnel to be charged against future periods of service 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 MSTS, and (3) the return of the employee to active duty with MSTS can reasonably be presumed. In such cases, annual leave may be granted 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 ★Industrial Relations Officer★, for final determination.

e. Specification of leave. --Except for Damage Control Instructors, current records of employees' leave balances will not be maintained afloat. Consequently, when employees other than Damage Control Instructors 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 and/or LWOP" in block 4 ★ of the Leave Application Form, MSTS Form 12630-1 (Rev. 6-69)★. 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 under 1-5 above.

2-6. ANNUAL LEAVE FOR RELIEF OFFICERS.

a. Advance scheduling. --Relief officers 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 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 of creditable service, 1 hour of annual leave accrues for each 10 hours in a pay status.

c. Limitations.

- (1) No leave will accrue for duty in excess of 80 hours in any one biweekly period of service.
- (2) The maximum accumulation of leave shall be governed by the provisions of ★ .2-3 above).★

d. Creditable service. --In determining the number of years of service for accrual of annual leave, all service creditable for retirement purposes shall be included. ★★

e. 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. Leave will not be charged for absence from scheduled duty in excess of 80 hours in any one biweekly period of service.

- (1) The 90-day qualifying period for annual leave ★ (.2-2 above★) is applicable to relief officers covered under this section. This requirement will be met at the end of 90 consecutive calendar days of continuous employment on regular tours of duty provided there

has been no break in service (employment) of one or more workdays during the qualifying period. Absence from scheduled duty does not constitute a break in service.

SECTION 3, SICK LEAVE

	Paragraph No.
General statement	3-1
Accrual and credit of sick leave	3-2
Granting sick leave	3-3
Sick leave for relief officers	3-4

3-1. GENERAL STATEMENT. --Marine personnel based in the U. S. and ★ U. S. ★ citizen marine personnel based outside the ★ ★ ★ U. S. 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 country, territory or possession in which his home port is located, or the ship to which he was assigned returns to the home port, or a final port of discharge as defined in CMPI 310, 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 cover the period of continued pay.

3-2. ACCRUAL AND CREDIT OF SICK LEAVE. --Sick leave is credited on the basis shown below. There is no limit on the amount of sick leave which an employee may accumulate. Unlike the situation with regard to annual leave, sick leave may be used within the first 90 days of employment. Full time marine employees based in the United States and ★ U. S. ★ citizen marine personnel based outside the ★ ★ ★ U. S. accrue sick leave on the following basis: 4 hours' credit for each full biweekly period of service established to conform with the pay periods for graded personnel ashore (13 days per year unless reduction results from absence without pay).

3-3. GRANTING SICK LEAVE. --Except for routine treatment of short duration aboard ship, absences from duty because of illness or injury which incapacitates the seaman 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. This does not apply, however, when absence due to injury is continuous. During such absences, the employee will be carried in a leave status or on the rolls of the Bureau of Employees' Compensation. Further, employees carried on the rolls of the Bureau of Employees' Compensation will not be charged leave nor compensated in any form while so carried. When an employee is unable to perform duties because of illness or injury while on voyage away from the home port and no sick leave remains to his credit, his pay will be continued until the ship returns to the home port or until the employee is returned to the country, territory or possession in which his home port is located, whichever is sooner. See CMPI 610 for guides to the payment of ★ bonuses during sick leave.★ Annual leave will not be charged in order to avoid continued pay. See e below for the handling of misconduct cases.

a. Advance sick leave. --Except for sick leave advanced to cover periods of continued pay, as a general rule sick leave will not be advanced to marine personnel 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 MSTS and the return of the employee to active duty with MSTS 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. Exception: Personnel assigned to overseas commands who have not completed the above service requirement may be advanced sick leave as follows:

- (1) Personnel serving within the period of service specified in their initial employment agreement may be advanced whatever sick leave may accrue during the remainder of the period.
- (2) Personnel who have completed their initial period of service under their employment agreement, but who have served less than three years, may be advanced 13 days' sick leave. (See 3-3a above for personnel who have served three years or more.)

Any request for advance sick leave must be supported by a medical certificate. All such requests shall be forwarded via the Master or Head, Receiving ★ Branch★, to the ★★ Industrial Relations ★ Officer★, for final determination. 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 credit. All computations of advanced sick leave should include any sick leave advanced to cover periods of continued pay. Sick leave may not be advanced to an employee holding a limited appointment, or one expiring on a specific date, in excess of the total sick leave which would accrue during the remaining period of such appointment. Further, sick leave may not be advanced where it is known that the employee contemplates separation from the service by retirement or otherwise. 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.

b. Approval of sick leave. --An employee who is unable to perform his duties because of illness shall notify his superior or other appropriate person of the fact as promptly as possible. Failure to do so may result in disciplinary action. Requests for sick leave will be submitted on ★ MSTS Form 12630-1 (Rev. 6-69)★ for approval by the authorities specified in paragraph 1-13 above. Sick leave applications should be submitted as soon as possible--usually within 3 days after return to duty. "Sick" will be shown in block 4 of the ★ MSTS Form 12630-1 (Rev. 6-69)★. The employee's sick leave balance will be charged in the appropriate amount by the Comptroller, home port, on the basis of the original of the leave application submitted by the Purser or Head, Receiving ★ Branch★. Where disability occurred on voyage and the employee does not have enough sick leave to cover the period specified in the application, the Comptroller, home port, will note the "continued pay" for charge against future accumulations of sick leave. Except in 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, he may be granted sick leave 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 period for which he 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 services are required ashore, he may be assigned to such duty. 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, he will be carried on sick leave. If he has no sick leave, he will be carried on annual leave★, shore leave★ or LWOP as requested by the employee. (See also 3-3 regarding employees receiving out-patient treatment for injuries received in the service of their ship.) Failure to conform with the advance approval requirements may result in disapproval of the leave request. Disciplinary action will result when falsification of sick leave requests is discovered or when failure to secure prior approval for absence for treatment or consultation is unexcused. All requests for sick leave while on voyage will be certified by the Medical 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 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 three 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 under 6(c) of the ★ MSTS Form 12630-1 (Rev. 6-69)★.

c. Medical certification when sick leave is abused. --When there is reason to believe that an

employee may be abusing sick leave privileges, he may be required to submit medical certification of each request for sick leave, regardless of the length of time involved, before such leave will be approved. In such cases, the employee must be warned specifically in writing in advance that:

- (1) Indications exist that he may be abusing the privilege.
- (2) He will be required to submit medical certification of each request for sick leave in the future.
- (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, he may be denied sick leave and, where warranted, he may be disciplined for absence without leave. The employee will be notified in writing of termination of this requirement as soon as the officials concerned are satisfied that he is not abusing the privilege. In addition, where an employee has missed ship and claims illness or where the claim of illness is made in connection with unauthorized absence, the command may deny sick leave unless the employee produces medical certification of his illness. Such action must be preceded by publication of the command's policy to this effect. Prior notification to the individual is not necessary in such cases.

d. 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. 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.

e. Disapproval in misconduct cases. --It is the maritime practice to deny wages when a seaman becomes unable to perform duties due to delinquency or misconduct. In line with this practice, sick leave may be disapproved if delinquency or misconduct is the direct cause of the employee's disability. For example, sick leave may be denied if:

- (1) The employee is unable to perform duties due to intoxication or prior indulgence in intoxicating beverages.
- (2) The employee is ★★★ unable to perform duties ★because of his use of drugs which were not prescribed or authorized for his use by competent authority.★
- (3) The employee becomes disabled in a fight which he clearly provoked.
- (4) The employee is unable to perform any duties because of a venereal disease which he has concealed.

In such cases, the employee will be carried in a non-pay status until he is again able to work. Usually, disciplinary action should also be taken.

f. Liquidation of advance sick leave. --When an employee is indebted for advance sick leave, and has to his credit 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 by operation of the limitation provided by ★ .2-3 above★ (Comp. Gen. decision B-108632 of 30 December 1957). 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 (31 Comp. Gen. 524). However, if annual leave in lieu of sick leave is granted on a current basis, upon request of an employee, there is no prohibition against such action.

3-4. SICK LEAVE FOR RELIEF OFFICERS.

a. Advance scheduling. --Relief officers whose tours of duty meet the advance scheduling requirements of ★ .2-6a above★ and who accrue annual leave thereunder, 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.

- (1) No leave will accrue for duty in excess of 80 hours in any one biweekly period of service.
- (2) There is no 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. Sick leave may be used during the 90-day qualifying period for accrual of annual leave.

SECTION 4, ABSENCE WITHOUT PAY

	Paragraph No.
General statement	4-1
Leave without pay	4-2
Non-pay status	4-3
Administrative suspensions	4-4
Report of absence without pay	★ 4-5 ★

4-1. **GENERAL STATEMENT.** --In general, absence without pay other than furlough of 30 days or less (CMPI 352) and furlough in excess of 30 days (CMPI 351) falls in 3 categories:

- a. Leave without pay granted in management's discretion at the request of the employee except as provided in 4-2 below.
- b. Non-pay status resulting when an employee absents himself from duty without approval and such absence is unexcused or when an employee is pending separation in reduction in force and no work or funds are available.
- c. Suspended status in which the employee is carried in a non-duty status without pay as a disciplinary penalty or pending the completion of disciplinary action, or pending an investigation or other administrative inquiry.

4-2. **LEAVE WITHOUT PAY.** --Except for the circumstances described in a and b below, leave without pay may be granted only upon request of the employee. It may be granted regardless of any ★ leave with pay★ standing to the employee's credit. Whether or not LWOP is granted rests entirely within management's discretion except that it is mandatory to carry an employee on LWOP under the following circumstances:

- a. Pending final action of the Civil Service Commission on an application for disability retirement when all annual ★, shore★ and sick leave have been exhausted.
- b. During the period an employee is in receipt of injury compensation until his restoration to duty.★★★

★ ★ ★

4-3. **NON-PAY STATUS.** --Employees who are absent without authority should be carried in a non-pay status for the period of absence unless a later determination is made that the absence should be charged to appropriate leave. Where the employee is absent without prior authority and no acceptable excuse exists for such absence, disciplinary action will be taken.★★★

a. Non-pay status for alleged deserters. --An employee who is believed to be a deserter will normally be carried as AWOL. ★The employee will immediately be placed in the Receiving Branch and will be carried as AWOL from the Receiving Branch until such time as he reports there for duty. An interim position should be created (see CMPI 512) for any replacement hired by the ship.★

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, except as provided below. Any pending desertion charges will be cancelled and other appropriate action substituted. Exception: the Master may refuse to restore the employee to duty in the crew if a replacement has been hired by the ship or if the employee's presence aboard would jeopardize the safety of the ship, her passengers, personnel, cargo or equipment. If the employee is not restored to duty in the crew the following actions will be taken:

- (1) The employee will be carried as AWOL from the ship from the time he left the ship until the time he returned.
- (2) The employee will immediately be placed in the Receiving ★Branch★ and will be carried as AWOL from the Receiving ★Branch★ until such time as he reports there for duty; and the employee will be so advised.
- (3) The Master will refer the employee to the appropriate authorities ashore for repatriation in accordance with CMPI 4651.
- (4) The Master will report the circumstances to the Commander, home port.
- (5) Any pending desertion charges will be cancelled and other appropriate action will be substituted by the home port.

4-4. ADMINISTRATIVE SUSPENSIONS. --Employees may be suspended from duty and pay pending completion of disciplinary action or pending an investigation or other inquiry. It is intended, however, that employees will be retained in a pay status whenever possible pending completion of any such action. Employees may also be suspended as a disciplinary penalty, for which see the provisions of CMPI 750. With few exceptions (See CMPI 750), suspensions pending disciplinary action or investigation will be initiated by the command ashore following placement of the employee in the Receiving ★Branch★. Such suspensions are "administrative suspensions".★★★ Suspension action of this kind will not be taken when the employee may be placed on annual leave ★or, at his request, shore leave or LWOP★ to cover the period of inquiry. Further, the employee will be ★informed of his right to request and be placed on shore leave or LWOP in lieu of administrative suspension action★. Except as specified below, during the period of advance notice required by ★Sections 7511, 7512 and 7701 of Title 5, U.S. Code (formerly Section 14 of the Veterans' Preference Act of 1944, as amended),★ and pending completion of proposed adverse action, veterans will be retained in an active duty status, afloat or in the Receiving ★Branch★, unless on approved leave or unauthorized absence. Pending completion of such proposed adverse actions, veterans may not be placed on annual leave without their written consent. A properly signed Leave Application will satisfy this requirement. Emergency administrative suspensions, not to exceed 30 calendar days, will be invoked in veterans' cases only when both of the following conditions exist: (1) in exceptional emergency circumstances, such as would apply if, for example, the employee's retention in an active duty status would be a potential hazard to himself or to others, or would risk danger to government property; and (2) where suspension is the only alternative to retaining the employee in an active duty status.★★★ Where the employee fails to request ★shore leave or★ leave without pay and cannot be placed on annual leave or assigned to duty, administrative suspension will be accomplished under the appropriate procedure below. The Standard Form 50 effecting such administrative suspension will show that the employee was offered, and declined, the opportunity to take ★shore leave or★ leave without pay in lieu of suspension. The employee's veteran or nonveteran status will be determined from the Civilian Marine Employee Ship Record (MSTS Form 12135-2).

a. Veterans. --Veterans must be given 24 hour advance written notice of administrative suspension. Notification to suspend will be effected by issuance of a Standard Form 50.

(1) The Standard Form 50 will state:

- (a) That an administrative suspension for 30 calendar days or less will be imposed pending disciplinary action or investigation. (The charge or the matter under inquiry will be stated.)
- (b) The reason(s) why the employee is not being retained in a duty status. (While the reason(s) given may or may not be the same as the reason(s) advanced for the proposed pending disciplinary action, generally, the reason(s) would not be the same.)
- (c) That the suspension action is taken as an administrative measure in the best interests of the service and is not to be construed as a penalty based on the charge or the matter under inquiry.
- (d) The terminal date of the suspension and provide that termination of the suspension may result at an earlier date from further official action.

(2) Under the foregoing procedures, veterans may not be suspended for 30 days or less, returned to a pay status and resuspended for the same or similar reasons where the aggregate of such suspensions would exceed 30 days. In any such case, all of the requirements for effecting a suspension of more than 30 days, as provided by ★Sections 7511, 7512 and 7701 of Title 5, U.S. Code (formerly Section 14 of the Veterans' Preference Act of 1944, as amended),★ and Civil Service Regulation, Part 752, Sub-part B, must be followed.

b. Nonveterans. --Nonveterans will be suspended under the procedure in a above. Exception The 24 hour advance notice is not required. The Standard Form 50 will not limit the length of suspension.

★4-5.★REPORT OF ABSENCE WITHOUT PAY. --Leave without pay, suspensions, and non-pay status will be reported by the ship on the Crew Change Report (see the enclosures to CMPI 340). Standard Form 50 will be prepared in connection with suspensions. Periods in non-pay status will be reported on the Crew Change Report as "non-pay status".

SECTION 5, DISPOSITION OF ★ANNUAL AND SICK★ LEAVE UPON SEPARATION

Annual leave	Paragraph No.
Sick leave	5-1
Questions concerning disposition of leave upon death, transfer to other agencies, etc.	5-2
	5-3

5-1. ANNUAL LEAVE. --As a general rule, employees who are separated from employment with the Federal Government are entitled to a lump-sum payment of annual leave upon separation. Exceptions to this rule exist in ★★★ certain separations under the loyalty-security program (See NCPI 732). Such lump-sum payment will be computed on the basis of the employee's base pay. Such lump-sum payment shall cover the annual leave to which the employee would have been entitled had he remained in the service until the expiration of such annual leave, but this may not exceed payment for 30 days, or for the number of days carried over to the employee's credit at the beginning of the leave year in which entitlement to payment occurs, whichever is the greater. Exception: Death cases★★★ The lump-sum payment will be subject to taxation, but will not be considered as salary or compensation for other purposes.

5-2. SICK LEAVE. --Employees are not entitled to any lump-sum payment for unused sick leave upon separation from the service. However, ★★★, an employee who is physically unable to perform his regular duties may be granted sick leave to his credit not to exceed that permitted by CMPI 351. 3★★ when his separation results from reduction in force. An employee ★ to be★ separated ★ or retired★ for disability will receive all sick leave to his credit★★★.

5-3. QUESTIONS CONCERNING DISPOSITION OF LEAVE UPON DEATH, TRANSFER TO OTHER AGENCIES, ETC. ★★★ With regard to additional questions involving disposition of leave upon an employee's death, transfer to another agency, re-employment, etc. ★, see Section 9.★

SECTION 6, LIBERTY

Meaning of "liberty".	Paragraph No.
Basic policy	6-1
Sailing board time	6-2
Premium pay when liberty is restricted	6-3
Relationship of leave and liberty	6-4
Launch service for leave and liberty parties	6-5
	6-6

6-1 MEANING OF "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.

6-2. BASIC POLICY. --Considerations 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 positive conditions exist which warrant the restriction of liberty in line with the provisions of this Instruction. Before deciding to grant or restrict liberty in any port of call, the Master will inform himself of the action being taken by the Commanding Officer, Military Department, ★ in the case of passenger ships, ★ with regard to liberty for military personnel. It is also the Master's duty to inform the Commanding Officer, Military Department, regarding the Master's decisions to grant or restrict liberty for the civilian crew. This exchange of information 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 any friction between the military and civilian

complements based on 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. ★

6-3. SAILING BOARD TIME. --Sailing time will be posted at the gangway within 30 minutes after arrival at anchor or dock 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 with the estimated sailing time will be posted not later than two hours after arrival. When the ship's departure time is changed, the new time of departure will be immediately posted on the sailing board.

6-4. 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. See paragraph headed "Confinement to ship" in CMPI 610 for an indication of the hours during which liberty is granted to marine personnel. The Master may deny liberty during emergencies without payment of premium pay. He may not deny liberty for reasons within his 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 in 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 or official order from competent shore authorities for restriction of marine 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 shore leave or 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 local 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 shore leave or 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 shore leave or 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 seriously reflected on MSTS 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. --In order to prevent interference with the debarkation of passengers and to allow adequate time for replacement of personnel, restriction of liberty without premium pay is authorized as described immediately below:

- (1) Arrival day. --Arrival day liberty will not be granted employees until the ship has been cleared by port authorities. Further, liberty will be scheduled so that there will be no interference with the debarkation of passengers.

(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 without premium pay.★

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 MSTS representative, if one exists, or to other proper authority in the port of call in compliance with port regulations. In the home port, or the port of any ship-operating MSTS command, IRO will be immediately notified of crew members who fail to return from leave or liberty.

6-5. **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 in block 9 of the Leave Application that the employee is to return to the ship. Similar action may be taken with regard to leave in the home port.

6-6. LAUNCH SERVICE FOR LEAVE AND LIBERTY PARTIES.

a. Provision 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 marine personnel. Sources for such service will include★, in order of priority: first, boats from other Government ships in the same port; second, commercial launch service when no boats from other Government ships are available; third, the ship's self-propelled boats 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 provision 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 12 hours.

b. Use of commercial launch service. --★Commercial launch★ service need not be arranged on the day of arrival ★★ unless safe harbor is made prior to 1700. The cost of such service will be charged to general ledger account 5153 under the Navy Industrial Fund 17X4912★.3302★ and absorbed in current budget allowances.

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

SECTION 7, TARDINESS

Paragraph No.
7-1

Tardiness

7-1. **TARDINESS.** --An employee is considered to be tardy if he reports late for duty or after the expiration of authorized leave or liberty. The approving authority may excuse the tardiness if acceptable reasons are offered. If the employee is tardy in reporting for duty, the approving authority may require that the period of tardiness be charged to annual leave, or, if the approving authority is convinced that the tardiness was unavoidable, he may excuse the employee without charge to leave. When tardiness is not excused, disciplinary action should normally be taken. In addition, in those cases which result in an absence from duty, the employee should be carried in a non-pay status for the period of such absence ★★★.

SECTION 8, SHORE LEAVE

	Paragraph No.
General provisions	8-1
Accrual and credit of shore leave.	8-2
Granting shore leave	8-3

8-1. GENERAL PROVISIONS.

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a. Applicability. --This Section governs the administration of shore leave and is applicable to civil service civilians marine employees assigned to duty afloat except relief officers and local nationals.

b. Shore leave records. --Shore leave records will be maintained by the Comptroller, home port. Shore leave will be requested on the Leave Application Form, MSTs Form 12630-1 (Rev. ★6-69★). One copy of the Application Form will be furnished the employee. Additional distribution will be determined by the Commander, home port. Block 4 of the Form will show the type leave as "Shore Leave". The ★action★ authorities designated in 1-13 above as ★action★ authorities for leave ★are the action★ authorities for requests for shore leave. When a shore leave request is disapproved, ★the provisions of 1-14 above will be followed.★

c. Definitions. --The following definitions apply to this Section:

- (1) Port of origin, port of final discharge. --The terms "port of origin" and "port of final discharge" will in both usages be construed to mean home port.
- (2) Oceangoing vessel means a vessel in use on the high seas or the Great Lakes; but does not include a vessel which operates primarily on rivers, other lakes, 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.
- (3) Voyage means the sailing of an oceangoing vessel from one port and its return to that port or the final port of discharge.
- (4) Extended voyage means a voyage of not less than 7 consecutive calendar days duration.
- (5) Shore leave means leave authorized by section 6305(c) of Title 5 of the United States Code, and this Section.

8-2. ACCRUAL AND CREDIT OF SHORE LEAVE.

a. Computation of shore leave. --A marine employee 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.

b. Computing days on voyage. --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 home port; 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 home port when his oceangoing vessel's voyage is terminated, or his employment as an officer or crewmember is terminated, at a port other than the home port; for an employee who is an officer or crewmember, the days on which he is on sick leave when he becomes sick 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 his repatriation to the home port, whichever is earlier; and the days of approved leave from a vessel (paid or unpaid) during a voyage.

c. Determination of length of voyage. --For an employee who is an officer or crewmember, a voyage begins either on the date he assumes his duties aboard an oceangoing vessel to begin preparation for a voyage or on the date he comes aboard when a voyage is in progress. The voyage terminates on the date he ceases to be an officer or crewmember of the oceangoing vessel or on the date on which he is released from assignment of his duties relating to that voyage aboard the oceangoing vessel at the home port, whichever is earlier.

d. Earning shore leave during RRS periods. --When an employee is assigned to duty in a ship in RRS, shore leave is not creditable for the period of such assignment except (1) when a ship is on voyage and circumstances require that she be placed in RRS temporarily before continuing her voyage, shore leave is creditable for the period in which the ship is in RRS; and

(2) when an order is issued to commence activation for a voyage. In the latter case, shore leave is creditable on and after the date of such order.

e. Earning shore leave during new construction or major reconfiguration. --When an employee is assigned to duty in a ship undergoing new construction or major reconfiguration in anticipation of early delivery and in preparation for a voyage, shore leave is creditable for the period of such assignment. This does not apply in the case of an employee assigned to the ship during construction or reconfiguration before delivery as an observer representative of the command.

f. Earning shore leave during voyage repairs and periodic overhaul. --When an employee is assigned to duty in a ship undergoing voyage repairs or periodic overhaul in preparation for a scheduled voyage, shore leave is creditable for the period of such assignment.

g. Shore leave computation when crossing International Date Line. --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. Thus, for example, if an employee is on voyage during the period from the ship's 3rd calendar date of the month to the ship's 17th calendar date of the month, inclusive, he will have had fifteen calendar days of service creditable for shore leave even though the period included a crossing of the International Date Line.

h. Accumulation. --Shore leave is in addition to annual leave and may be accumulated without limitation.

8-3. GRANTING SHORE LEAVE.

a. General. --An employee has an absolute right to use shore leave, subject to the right of the Commander, homeport, to fix the time at which shore leave may be used. Shore leave may be granted during a voyage only when requested by an employee. An employee shall submit his request for shore leave in writing and when an employee's request for shore leave is denied, the denial shall be in writing. See 8-1 b.★ above for recording of shore leave.

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

c. Shore leave on voyage. --Leave on voyage, 2-5c, and Specification of leave, 2-5e, will be used as guides in administering shore leave on voyage.

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

e. Terminal leave. --Except as provided by the last sentence in this paragraph, shore leave shall not be granted to an employee as terminal leave. For the purpose of this paragraph terminal leave is approved absence immediately before an employee's separation when it is known that the employee will not return to duty before the date of his separation. However, shore leave may be granted as terminal leave when an employee's inability to use shore leave was due to circumstances beyond his control and not due to his own act or omission.

f. Forfeiture of shore leave. --Shore leave not granted before separation from the Federal service, or official assignment (other than by temporary detail) to a position in which the employee does not earn shore leave, is forfeited. When an official assignment will result in forfeiture of shore leave, the employee, to the extent administratively practicable, shall be given an opportunity to use the shore leave he has to his credit either before the reassignment, or not later than six months after the date of his reassignment when the commander, home port, has been unable to grant the shore leave before the reassignment.

g. Transferability of shore leave. --When an employee has a change of appointing office between one MSTS command and another, shore leave to his credit shall be transferred to the receiving command.

SECTION 9. APPLICABLE PROVISIONS OF ★ THE FEDERAL PERSONNEL MANUAL ★

9-1. ★Applicable provisions of FPM Chapter 630 and Supplement 990-2, Book 630, as supplemented by CMMI 630, which are not covered by this Instruction, will be binding in making determinations ashore concerning the leave and excused absence status of civilian marine personnel. Those provisions are not of direct interest in the day-to-day relationships of personnel afloat. Note: The provisions governing home leave are applicable to civilian marine personnel employed for service in ships whose home port is outside the United States.★