

FEDERAL PERSONNEL MANUAL  
UNITED STATES CIVIL SERVICE COMMISSION  
WASHINGTON 25, D. C.

July 22, 1955

**FPM TRANSMITTAL SHEET NO. 509**

SUBJECTS: A. REGULATIONS GOVERNING SALARY RETENTION IN DEMOTION ACTIONS.

B. PRO-RATA CREDIT FOR LEAVE.

C. MAXIMUM STIPENDS.

**A. Regulations Governing Salary Retention in Demotion Actions.**

1. The Commission has approved new salary retention regulations governing the use of "saved rates" in effecting demotion actions. These regulations permit agencies to authorize a temporary period of salary retention for employees who are demoted. This period affords agencies an opportunity to make any additional personnel changes and at the same time to allow a personal readjustment period for the employee.
2. Demotions due to personal cause, or at the employee's own request, or in a reduction in force, are excluded from the benefits of the regulations. When an agency elects to save his existing rate on the date of the demotion, an employee is entitled to retain such rate for a minimum period of 26 weeks or for such longer period as is indicated in the table included in the regulations.
3. This retention period may be terminated at an earlier date for any of the reasons set forth in Section 25.404.
4. The application of these regulations is entirely discretionary with the agency. They may be applied to an employee, all employees, or none, as the agency elects.
5. Paragraphs (e) and (f) of Section 25.103 of the pay regulations are revoked effective July 23, 1955. However, an employee having a saved rate based upon these paragraphs shall retain such rate until he leaves his position.
6. Inquiries concerning these regulations from agencies in the Washington Metropolitan area may be directed to the Regulations Section, Bureau of Programs and Standards, code 171, extension 3144. Inquiries in the field should be directed to the appropriate regional or branch office of the Commission.

(These changes appear in Chapter Z1, Part 25 of the Commission's regulations.)


**B. Pro-rata Credit For Leave**

1. A new section 30.207 is added to the Leave Regulations providing for pro-rata credit for fractional pay periods occurring within the continuity of employment. An employee will be entitled to a pro-rata credit for leave for fractional pay periods when he transfers between positions with different pay periods, or under circumstances such as immediately prior to or following a period when (1) he was receiving disability compensation under the Federal Employees' Compensation Act; (2) he exercises statutory or regulatory restoration rights after service in the armed forces; or (3) he is restored after a period of unwarranted suspension or removal for which retroactive compensation is paid under the Lloyd-LaFollette Act, as amended by Public Law 623, 80th Congress, approved June 10, 1948, or other appropriate authority.
2. The new regulation is an interpretation of section 203 (a) of the Leave Act, and is retroactively effective to October 30, 1951, the effective date of the Annual and Sick Leave Act of 1951. Agencies are required to adjust leave accounts of employees who are affected by the retroactivity of the new regulation, in accordance with applicable provisions of the leave law and regulations, whenever an employee so requests.
3. Inquiries on this material from agencies in the Washington Metropolitan area may be made to the Bureau of Programs and Standards, Regulation Section, Code 171, Extension 3144. Inquiries from agencies outside this area may be made to the appropriate regional or branch office of the Commission.

(These changes appear in Chapter Z1, Part 30 of the Commission's regulations, and in Chapter L-1.)

**C. Maximum Stipends**

The maximum stipend for student nurses has been brought in line with those for other fields of training under Public Law 330, 80th Congress. Accordingly, all existing maximum stipends for this category of student employees are revoked, and a new maximum is prescribed, effective July 1, 1955.



JOHN W. MACY, JR.,  
*Executive Director.*

***This transmittal sheet is being issued ahead of TS 508.***

TS 509  
 July 22, 1955  
 (3)

**CHANGES IN MANUAL TEXT**

**NOTE: The pen-and-ink changes indicated below must be made before removing or inserting pages.**

Remove		Insert	Explanation of Changes
Page	TS No.	Page	
L-1-15 L-1-16	499 499	L-1-15 L-1-16 L-1-16.01	See item B above, "Pro-rata credit for leave."
Z1-330.02	480	Z1-330.02 Z1-330.03	See item A above, "Regulations governing salary retention in demotion actions."
Z1-333 Z1-334 Z1-334.01	495 495 495	Z1-335 Z1-336	See item C above, "Maximum stipends."
Z1-353 Z1-354	475 475	Z1-353 Z1-354	See item B above, "Pro-rata credit for leave."
Changes to be made in pen-and-ink—			
Page	Pen-and-ink change	Explanation of Changes	
L-1-17, left-hand column	Delete the first 18 lines and footnote 1.	This material is reprinted on page L-1-16.01.	
Z1-335	Change page number to Z1-337.	Page renumbered to allow for expansion of preceding pages.	

**Full Biweekly Pay Period**

## ACT

SECTION 205 (b). *An employee shall be considered for the purposes of this title to have been employed for a full biweekly pay period if he shall have been employed during the days within such period, exclusive of holidays and all non-workdays established by Federal statute or by Executive or administrative order, which fall within this basic administrative workweek.*

**DEFINITIONS CONTAINED IN THE REGULATIONS**

## REGULATION

SECTION 30.101. DEFINITIONS.—(a) “Act” as used in this part means the Annual and Sick Leave Act of 1951, as amended (Title II, Public Law 233, 82d Congress, approved October 30, 1951, 65 Stat. 679, as amended by Public Law 102, 83d Congress, approved July 2, 1953.)<sup>1</sup>

(b) “Employee” and “employees” include officer and officers respectively.

NOTE.—The officers who have been excluded from coverage of this part under authority of section 202 (c) (1) (C) of the Annual and Sick Leave Act of 1951, as amended (67 Stat. 136, 5 U. S. C. 2061), are listed in Appendix A to this part, pursuant to E. O. 10540, 19 F. R. 3983. Section 202 of the act, as amended (65 Stat. 679, 67 Stat. 136, 5 U. S. C. 2061), lists other officers and employees who are specifically excluded from coverage.

(c) “Pay period” shall include biweekly, semimonthly, or other pay period when used in these regulations.

(d) “Accumulated annual leave” means the unused annual leave remaining to the credit of the employee at the beginning of the first complete pay period occurring in any calendar year.<sup>1</sup>

(e) “Medical certificate” means a written statement signed by a registered practicing physician or other practitioner, certifying to the period of disability of the patient while he was undergoing professional treatment.

(f) “Contagious disease” means a disease

<sup>1</sup> As amended September 23, 1953, effective July 2, 1953.

ruled as subject to quarantine or requiring isolation of the patient by the health authorities having jurisdiction.

(g) The term “agency” or “agency head” means “the heads or governing bodies” of the various Governmental agencies.

(h) “Leave year” means the period from the beginning of the first complete pay period in the calendar year to the beginning of the first complete pay period in the following calendar year. However, the 1953 leave year began immediately following the last complete pay period in 1952.<sup>1</sup>

**ANNUAL LEAVE****Rate of Accrual****Creditable Service for Leave Purposes**

## ACT

SECTION 203 (a). *Officers and employees to whom this title applies shall be entitled to annual leave with pay which shall accrue as follows:*

(1) *one-half day for each full biweekly pay period in the case of officers and employees with less than three years of service.*

(2) *three-fourths day for each full biweekly pay period (except that the accrual for the last full biweekly pay period in the year shall be one and one-fourth days) in the case of officers and employees with three but less than fifteen years of service; and*

## NOTE

**Additional leave accrual.**—From the Comptroller General's decision B-116314, 33 Comp. Gen. 85, August 20, 1953, “While sections 203 (c), 203 (d) and 208 (a) of the Annual and Sick Leave Act of 1951, which govern the point at which accumulation of annual leave occurs and excess annual leave is forfeited, were amended by the Act of July 2, 1953, to establish that point as the beginning of the first complete pay period in any year instead of the end of the last complete pay period in any year, section 203 (a) (2) of the 1951 Act which prescribes an additional leave accrual to certain employees for the last full pay period in the year has not been amended, and therefore such employees may continue to be given this additional leave accrual for the last full pay period in the calendar year.”

ACT

SECTION 203 (a)

(3). *One day for each full biweekly pay period in the case of officers and employees with fifteen years or more of service.*

*In determining years of service for the purposes of this subsection, there shall be included all service creditable under the provisions of Section 5 of the Civil Service Retirement Act of May 29, 1930, as amended, for the purposes of an annuity under such Act and the determination of the period of service rendered may be made upon the basis of an affidavit of the employee. In the case of an officer or employee who is not paid on the basis of biweekly pay periods, the leave provided by this title shall accrue on the same basis as it would accrue if such officer or employee were paid on the basis of biweekly pay periods.*

REGULATION

★SECTION 30.207. FRACTIONAL PAY PERIODS.—

An employee shall be given pro-rata credit for leave for fractional pay periods occurring within the continuity of employment when his service is interrupted by a nonleave-earning period.<sup>1</sup>

NOTE

The following table may be used as a guide in determining the amount of pro-rata credit for leave:

Biweekly Pay Period Work Days	Hourly accrual rate		
	Category 4	Category 6	Category 8
1	1	1	1
2	1	1	2
3	1	2	2
4	2	2	3
5	2	3	4
6	2	4	5
7	3	4	6
8	3	5	6
9	3	5	7
10	4	6	8

Section 30.207, above, is not applicable to cases which are subject to section 30.204 (see L-1-25) where an employee is *eligible* to earn leave, but whose leave credits are reduced when his total absence in a nonpay status within a leave year equals the base pay hours in one pay period. For example, an employee is intermittently on leave without pay during the period

<sup>1</sup> As added effective July 22, 1955, FR 5254.

January 2 through September 10, 1955, at which time his leave without pay totaled 88 hours. He is in the leave-earning category of 8 hours for each full biweekly pay period. His leave account, therefore, must be reduced by one leave day. However, an employee carried on the rolls in a LWOP status while receiving disability compensation is not entitled to earn any leave during such period of absence and no reductions in leave credits is required. The employee is credited only with leave earned in a duty status under section 30.207, and section 30.204 is not applicable.★

NOTES

**Creditable service.**—From Comptroller General's decision B-106704, 31 Comp. Gen. 215, December 14, 1951, Question 2: “\* \* \* It fairly may be concluded that the Congress did not intend that service be actually creditable for annuity purposes before being used to determine an employee's leave scale but rather had reference to *potentially creditable service*, that is, service which could form the basis for an annuity at some future date.” (Italics supplied.) (Chapter R5 of this Manual may be consulted for assistance in determining creditable service.)

**Aleuts—creditable service.**—From Comptroller General's decision B-110845, 32 Comp. Gen. 86, August 11, 1952: “In view of the determination by the Civil Service Commission that the Aleut workmen could not be credited for retirement purposes with service prior to January 1, 1950, it must be concluded that service prior to that date is not potentially creditable for retirement purposes. It appears to be the intent of the statute that any service, actual or potential, not creditable for retirement purposes, properly is for exclusion in determining years of service for the purposes of section 203, \* \* \*. Hence, it is concluded that the workmen here involved could not count service rendered prior to January 1, 1950, in determining the annual leave credits to which entitled under the new Annual and Sick Leave Act of 1951.”

**Fractional pay periods.**—From the Comptroller General's decision B-106704, December 14, 1951, 31 Comp. Gen. 215, Questions 7a and 7b: “\* \* \* It is not believed the provisions of section 203 (a) were intended to deprive employees of any leave whatsoever for the period between January 6, 1952, the effective date of the Act, and any other later date on which a biweekly pay period begins after January 6, 1952, merely because their pay periods might begin at a date later than January 6, 1952, nor to deprive them of leave when they transfer between positions with different pay periods.” (Italics supplied.)

**Fractional pay periods—Employee's compensation rolls.**—From Comptroller General's decision B-112674, 32 Comp. Gen. 310, January 5, 1953: “While the provisions of Annual and Sick Leave Act of 1951, prohibit

credit for leave for any fraction of a pay period, an employee who goes on leave without pay in order to receive compensation under the Employee's Compensation Act is to be regarded as having completed a full pay period and entitled to receive a pro-rata credit for that part of the period when he was not in receipt of such compensation."

### **Effective Date of Change in Rate of Accrual**

ACT

SECTION 203 (b). *Any change in the rate of accrual of annual leave by an officer or employee under the provisions of this section shall take effect as of the beginning of the pay period following the pay period, or corresponding period in the case of an officer or employee who is not paid on the basis of biweekly pay periods, in which such officer or employee completes the prescribed period of service.*

### **Maximum Accumulation**

ACT

SECTION 203 (c). *The annual leave provided for in this section, which is not used by an officer or employee, shall accumulate for use in succeeding years until it totals not to exceed thirty days at the beginning of the first complete biweekly pay period, or corresponding period in the case of an officer or employee who is not paid on the basis of biweekly pay periods, occurring in any year.<sup>1</sup>*

<sup>1</sup> As amended by Public Law 102, 83d Congress, approved July 2, 1953, which reduced maximum accumulations from 60 to 30 days, except under the savings provision in section 208 of the Act. See Transmittal Sheet 444, dated September 17, 1953.

### NOTES

**Leave year.**—From Comptroller General's decision B-108880, May 8, 1952, 31 Comp. Gen. 581, question 1 (a): "However, since section 203 of the new leave act limits annual leave accumulations as of the end of the last complete biweekly pay period occurring in any year, it appears that the said act, in effect, has established a 'leave year' for certain purposes, namely the determination of maximum accumulations and the effecting of such adjustments as previously were required to be made at the end of the calendar year, as well as the advancement of leave against subsequent accruals. For such purposes, the leave year, as suggested in your letter, shall be considered as beginning on the first day following the end of the last complete biweekly pay period in any calendar year and ending on the last day of the last complete biweekly pay period in the following calendar year."—Subsections 203 (c) and (d), and 208 (a) of Public Law 102, 83d Congress, changed the point at which accumulation occurs and excess annual leave is forfeited to the beginning of the first complete pay period in any year, instead of the end of the last complete pay period in any year.

**Leave forfeited in excess of maximum accumulation.**—From Comptroller General's decision B-109327, 32 Comp. Gen. 111, August 27, 1952: "A Government employee who tendered her resignation requesting separation from the service at close of business January 1, 1952, although her last day of active duty was December 29, 1951, must be separated in accordance with the terms of the resignation as tendered, that is, as of close of business January 1, 1952, and therefore, the employee forfeited that portion of accrued annual leave in excess of the sixty day maximum accumulation permitted to be carried forward into the calendar year 1952."<sup>1</sup>

discretion of the head of the department, for not more than 14 consecutive calendar days, and for a total of not more than 30 working days in any calendar year.

(d) During periods when an employee is not entitled to receive additional compensation under section 25.251 or section 25.261, he shall be paid for overtime, night and holiday duty in accordance with other sections of this subpart.

(e) Payments of additional compensation under section 25.251 or section 25.261, shall continue during periods of leave with pay taken during periods in which additional compensation under such sections is payable in accordance with paragraphs (a), (b), and (c) of this section.

**SEC. 25.273 Relationship to other payments.**

(a) Employees receiving additional compensation under section 25.251 shall not receive premium compensation for overtime, night, and holiday duty under any other sections of this subpart.

(b) Employees receiving additional compensation under section 25.261 shall not receive premium compensation for irregular, unscheduled overtime duty or duty at night or on holidays under any other sections of this subpart, but shall be paid under other sections of this subpart for regularly scheduled overtime duty.

(c) Overtime, night, or holiday services compensated under any statute other than the Federal Employees Pay Act of 1945, as amended, shall not be considered as a basis for payment of additional compensation under section 25.251 or section 25.261.

(d) Additional compensation under section 25.251 or section 25.261 is not base pay, and is not included in the base used in computing retirement deductions, foreign and territorial allowances and differentials, or any other benefits or deductions that are computed on base pay alone.

**SEC. 25.274 Maintenance of existing aggregate rate of compensation.** The provisions of section 25.251 and section 25.261 shall not

operate to decrease the existing aggregate rate of compensation of any present employee.

**★ SUBPART D**

**SALARY RETENTION RULE**

**SEC. 25.401 SCOPE.** This subpart shall apply to salary retention in demotion actions.

**NOTE**

Subparagraphs (c) and (f), Section 25.103 of Subpart B of this Part have been revoked effective July 23, 1955. However, an employee having a saved rate thereunder shall retain such rate until he leaves his position.

**SEC. 25.402 Employee coverage.** (a) *Employees covered.*—At the discretion of his agency, the regulations in this subpart shall apply to an employee who is changed to a lower grade position under the Classification Act in which the maximum scheduled rate is less than his existing rate. The regulations are applicable without regard to whether the position *from* which he is changed is under the Classification Act.

(b) *Employees not covered.*—The regulations in this subpart shall not apply to any employee who is demoted for personal cause, at his own request, or in a reduction in force. Further, they shall not apply to temporary, seasonal, intermittent or when actually employed (W. A. E.) employees, or to any employee hired on a fee, contract, or piece-work basis.

**SEC. 25.403 Definitions.**—As used in this subpart, the term: (a) "Existing rate" means the rate of basic compensation the employee would have received on the effective date of the demotion action had the demotion not taken place.

(b) "Retention period" means a period of 26 weeks or such longer period computed in accordance with the table under section 25.406, whichever is the greater.

**SEC. 25.404 Salary retention.**—(a) Under the conditions set forth in section 25.402, an

agency is authorized to save an employee's existing rate in a demotion action. An employee's saved rate shall be terminated at the expiration of his retention period. However, if one of the following actions occurs prior to the expiration of the retention period, his saved rate must be terminated at such time:

- (1) He is demoted or reassigned for personal cause, at his own request, or in a reduction in force;
- (2) He is changed to a new position which entitles him to a rate equal to or greater than his saved rate;
- (3) He becomes entitled to a rate higher than his saved rate through entitlement to a longevity step increase which he earns in the grade to which he has been demoted;
- (4) He is changed to a position not subject to the Classification Act of 1949, as amended; or
- (5) He has a break in service of one workday or more.

**SEC. 25.405 Computation of service.** (a) For the purpose of determining the employee's retention period, the following service (including *intervening* service in public international organizations or military service in accordance with the provisions of Parts 26 and 35 of this Chapter) shall be credited:

- (1) Service in a Classification Act grade higher than the grade to which demoted; and
- (2) Service in or under a department as defined in section 201 (a) of the Classification Act in a position not under the Act at a salary rate higher than the maximum scheduled rate of the grade to which demoted.

(b) The above service shall be counted whether or not interrupted by a break in service, by service in a lower Classification Act grade, or by service at a lower rate in a position outside the Act. Total periods of unpaid absence in excess of 26 weeks in any one calendar year shall be excluded in the computation of service toward the retention period.

**SEC. 25.406 Computation of retention period.** An employee's retention period shall be determined by computing his total creditable service and fixing the retention period in accordance with the following table:

RETENTION TABLE	
<i>Creditable Service</i>	<i>Retention Period Weeks</i>
3 years or less	26
Each additional year	8
For fractional part of a year:	
One Quarter	2
Two Quarters	4
Three Quarters	6

Fractional periods of service less than a quarter shall be rounded off to the next higher quarter. In computing aggregate service (as distinguished from continuous service) a quarterly period shall consist of 91 calendar days.

**NOTE**

*Example:*

An employee whose aggregate service is 5 years, 8 months, and 27 days, retains his salary rate for a period of 48 weeks based on the above table. At the termination of his retention period, he is then paid an appropriate rate for his new grade, in accordance with existing regulations.

**SEC. 25.407 Subsequent actions.** If, upon further demotion of an employee receiving a saved rate, the agency determines that the regulations in this subpart are to be applied, his second retention period shall be computed beginning with the date of his subsequent demotion. However, in any case he shall retain his first saved rate until the termination of the original retention period. Upon termination of the original retention period, the employee shall be given a saved rate based on the maximum scheduled rate of the grade of the position to which originally demoted for the remainder of his second retention period.

**SEC. 25.408 General provisions.** (a) *Step increases.* An employee is eligible to earn longevity step increases only in the grade to which demoted or regraded, and not in the grade from which he derives his saved rate.

(b) *Classification action.* When a determination is made that the employee's position should be regraded or allocated to a lower grade, prompt classification action shall be taken to place the position in the proper grade. A determination must be made by the agency at that time whether it will elect to retain the employee's existing rate.<sup>1</sup> ★

<sup>1</sup> As added July 22, 1955, effective July 23, 1955, 20 FR 5281.



## Part 27—Exclusion From Provisions of the Federal Employees Pay Act of 1945, as Amended, and the Classification Act of 1949, as Amended, and Establishment of Maximum Stipends for Positions in Government Hospitals Filled by Student or Resident Trainees<sup>1</sup>

Sec.

- 27.1 Exclusion from provisions of Federal Employees Pay Act and Classification Act.
- 27.2 Maximum stipends prescribed.
- 27.3 Stipends under existing agreements with trainees.
- 27.4 Stipends of trainees assigned to Federal hospitals as affiliates.
- 27.5 Exclusion of other trainee positions and establishment of maximum stipends.
- 27.6 Extent of regulations.

AUTHORITY: Sections 27.1 to 27.6, issued under 61 Stat. 727; 5 U. S. C. 1051-1058.

SEC. 27.1<sup>2</sup> Exclusion from provisions of Federal Employees Pay Act and Classification Act. In accordance with the provisions of section 1 and section 2 of Public Law 330, 80th Congress, approved August 4, 1947, the following positions, in addition to those specifically excluded by section 1 and section 2 of such law, are excluded from the provisions of the Federal Employees Pay Act of 1945 (Public Law 106, 79th Congress), as amended; and the Classification Act of 1949 (Public Law 429, 81st Congress) as amended:

Medical student interns, approved training during third and fourth years of medical school.<sup>3</sup>

Residents in hospital administration, second year approved postgraduate training.<sup>4</sup>

Hospital Administration Residents, Freedmen's Hospital, third year approved postgraduate training.<sup>5</sup>

<sup>1</sup> Title amended October 27, 1947, effective October 28, 1947.

<sup>2</sup> Section 27.1 was added October 27, 1947, effective October 28, 1947, and former sections 27.1 to 27.6 were renumbered accordingly.

<sup>3</sup> As added December 22, 1954, effective December 1, 1954.

<sup>4</sup> As added June 14, 1949, effective June 1, 1949; and amended May 7, 1952, effective May 1, 1952.

<sup>5</sup> As added July 22, 1952, effective July 1, 1952.

Dietetic residents, second year approved postgraduate training.<sup>6</sup>

\* \* \* \* \*

SEC. 27.2 Maximum stipends prescribed. In accordance with the provisions of section 3 of Public Law 330, 80th Congress, approved August 4, 1947, the following maximum stipends (including overtime pay, maintenance allowances, and other payments in money or kind), except as otherwise provided in section 27.3 are hereby prescribed:<sup>8</sup>

*Student nurses—*

Total for three years training ★ (diploma course)<sup>9</sup> ----- \$4,500★

*Medical or dental interns and residents—*

Approved internship, per year <sup>10</sup> .....	\$2,800
First year approved residency .....	3,400
Second year approved residency .....	3,800
Third year approved residency .....	4,200
Fourth year approved residency <sup>11</sup> .....	4,700

*Medical residents—Glenn Dale Hospital, Government of the District of Columbia:*

First year approved residency .....	\$4,100
Fourth year approved residency <sup>12</sup> .....	5,400

<sup>6</sup> As added June 5, 1953, effective May 15, 1953.

<sup>7</sup> Exclusions of positions in individual hospitals or in individual agencies are not printed here. Agencies are notified of changes in provisions applicable to them by letter. Also, such changes are printed in the Federal Register.

<sup>8</sup> As amended October 27, 1947, effective October 28, 1947; and amended March 23, 1949, effective March 1, 1949.

<sup>9</sup> As amended July 25, 1955, effective July 1, 1955, 20 FR 5299.

<sup>10</sup> As amended May 7, 1952, effective May 1, 1952.

<sup>11</sup> As amended June 28, 1951, effective May 31, 1951.

<sup>12</sup> As added July 9, 1954, effective July 1, 1954.

*Medical student interns*—

Approved training during third year of medical school:	
Full-time, per month-----	200
Half-time, per month-----	100
Approved training during fourth year of medical school:	
Full-time, per month-----	216
Half-time, per month <sup>1</sup> -----	108
<i>Dietetic interns (Student dietitians)</i> —	
One year approved postgraduate training <sup>2</sup> -----	2,000
<i>Dietetic residents</i> —	
Second year approved postgraduate training <sup>3</sup> -----	2,200
<i>Physical therapy interns (Student physical therapists)</i> —	
Approved clinical training in affiliation with an approved school of physical therapy, per month <sup>4</sup> -----	166
<i>Occupational therapy interns (Student occupational therapists)</i> —	
Approved clinical training in affiliation with an approved school of occupational therapy, per month <sup>5</sup> -----	166
<i>Hospital administration residents</i> —	
Second year approved postgraduate training <sup>6</sup> -----	2,200
<i>Hospital administration resident—Freedmen's Hospital:</i>	
Third year approved postgraduate training <sup>7</sup> -----	2,400

NOTE: Maximum stipends for Canal Zone Government and Panama Canal Company are 25 percent above prescribed rates.

Maximum stipends for Public Health Service where duty requires intimate contact with persons afflicted with leprosy are increased above prescribed rates to

<sup>1</sup> As added December 22, 1954, effective December 1, 1954.

<sup>2</sup> As amended December 19, 1952, effective December 15, 1952.

<sup>3</sup> As added June 5, 1953, effective May 15, 1953.

<sup>4</sup> As added May 13, 1952, effective May 15, 1952; amended November 20, 1952, effective November 15, 1952.

<sup>5</sup> As amended November 20, 1952, effective November 15, 1952.

<sup>6</sup> As added June 14, 1949, effective June 1, 1949; and amended May 7, 1952, effective May 1, 1952.

<sup>7</sup> As added July 22, 1952, effective July 1, 1952.

the same extent that additional compensation is provided by Public Health Service Regulations, Part 22, Section 22.1, for employees under the Classification Act.<sup>8</sup>

**SEC. 27.3 Stipends under existing agreements with trainees.** Stipends (total amounts paid, including maintenance allowances and other payments in kind) under existing agreements with trainees in accordance with maximum stipends approved by the Commission under the provisions of Executive Order 9750, and which are in excess of maximums in the above schedules, are hereby approved as maximums for the duration of training under such agreements, provided that statements of the terms of such agreements, with schedules of stipends and allowances, are filed with the Commission before September 1, 1947.

**SEC. 27.4 Stipends of trainees assigned to Federal hospitals as affiliates.** Trainees at non-Federal hospitals assigned to Federal hospitals as affiliates for part of their training shall receive no stipend from the Federal hospital other than any maintenance provided.

**SEC. 27.5 Exclusion of other trainee positions and establishment of maximum stipends.** Requests for approval by the Commission of exclusions from the provisions of the Federal Employees Pay Act of 1945, as amended, and the Classification Act of 1949, as amended, of other positions filled by persons employed on a student-employee basis assigned or attached to a hospital, clinic, or medical or dental laboratory, as provided in section 1 and section 2 of Public Law 330, 80th Congress, and for approval of maximum stipends not provided in section 27.2 or section 27.3, should be submitted promptly to the Commission with full supporting information.<sup>9</sup>

**SEC. 27.6 Extent of regulations.** Maximum stipends provided in section 27.2 and section 27.3 apply to any "hospital, clinic, or medical or dental laboratory, operated by any department, agency, or instrumentality of the Federal Government or by the District of Columbia," unless rates of compensation are otherwise provided by law.

<sup>8</sup> As added July 8, 1953, effective June 15, 1953.

<sup>9</sup> As amended October 27, 1947, effective October 28, 1947.

SEC. 30.206 **Separation of employees indebted for unearned leave.** In case of the separation of an employee who is indebted for unearned leave, the employee shall refund the amount paid him for the period of such excess, or deduction therefor shall be made from any salary due him. This section shall not apply in cases of death, retirement for disability,<sup>1</sup> or in case an employee is unable to return to duty because of disability, evidence of which shall be supported by an acceptable medical certificate: *Provided*, That employees who enter active military service with restoration rights shall not be deemed as separated for purposes of this section.

★SEC. 30.207 **Fractional pay periods.** An employee shall be given pro-rata credit for leave for fractional pay periods occurring within the continuity of employment when his service is interrupted by a nonleave-earning period.<sup>2</sup>★

#### SUBPART C—ANNUAL LEAVE

SEC. 30.301 **Overdrawn annual leave.** Whenever, at the end of the leave year, reductions in annual leave accruals under section 30.204 result in a final debit in the annual leave account, the excess amount may be carried forward for charge against leave earned in the following leave year, or, in the discretion of the employing agency, the employee may be required to refund the amount paid him for the period of such excess. This regulation may be applied to debits at the end of the 1952 leave year.<sup>3</sup>

#### SUBPART D—SICK LEAVE

SEC. 30.401 **Grant of sick leave.** Sick leave shall be granted to employees when they are incapacitated for the performance of their duties by sickness, injury, or pregnancy and confinement or for medical, dental or optical examination or treatment, or when a member of the immediate family of the employee is afflicted with a contagious disease and requires the care and attendance of the employee, or

<sup>1</sup> As amended February 21, 1952, effective February 22, 1952.

<sup>2</sup> As added July 21, 1955, effective July 22, 1955, 20 FR 5254.

<sup>3</sup> As added March 20, 1953, and amended September 23, 1953, effective July 2, 1953.

when, through exposure to contagious disease, the presence of the employee at his post of duty would jeopardize the health of others.

SEC. 30.402 **Application for sick leave.** Written application for grant of sick leave shall be filed within such time limits as the agency may prescribe. Requests for sick leave for medical, dental or optical examinations shall be submitted for approval in advance.

SEC. 30.403 **Supporting evidence.** Any grant of sick leave in excess of 3 work days must be supported by a medical certificate, or other evidence administratively acceptable. For periods of absence of 3 work days or less the agency may accept the employee's certification as to the reason for the absence.

SEC. 30.404 **Sickness during annual leave.** When sickness occurs within a period of annual leave the period of illness may be charged as sick leave subject to the provisions of Sec. 30.403.

SEC. 30.405 **Sick leave not advanced.** Sick leave shall not be advanced to an employee holding a limited appointment, or one expiring on a specified date, in excess of the total sick leave that would accrue during the remaining period of such appointment: *Provided*, That an employee serving a probationary or trial period shall not be construed as holding a limited appointment for purposes of this section.

#### SUBPART E—PART-TIME EMPLOYEES

SEC. 30.501 **Accrual of annual leave.** Part-time employees for whom there has been established in advance a regular tour of duty on one or more days during each administrative work week, and hourly employees in the field service of the Post Office Department shall earn annual leave as follows:

(a) Employees with less than three years of service shall earn and be credited with one hour of annual leave for each twenty hours in a pay status.

(b) Employees with three but less than fifteen years of service shall earn and be credited with one hour annual leave for each thirteen hours in a pay status.

(c) Employees with fifteen years or more of service shall earn and be credited with one hour of annual leave for each ten hours in a pay status.

**SEC. 30.502 Accumulated annual leave.** Part-time employees may accumulate not more than 240 hours' or 360 hours' annual leave on the same basis that full-time employees accumulate 30 or 45 days' annual leave.<sup>1</sup>

**SEC. 30.503 Accrual of sick leave.** Part-time employees shall earn and be credited with one hour of sick leave for each twenty hours in a pay status.

**SEC. 30.504 Hours of work to be disregarded.** Any hours in a pay status in excess of the agency's basic working hours in any pay period shall be disregarded in computing annual and sick leave earnings of part-time employees, except that hourly employees in the field service of the Post Office Department shall be credited with leave to the annual maximum in accordance with the actual number of hours in pay status.<sup>2</sup>

#### SUBPART F—HOME LEAVE

**SEC. 30.601 Home leave.** The leave provided for in subsection 203 (f) of the Act shall be designated "home leave."

**SEC. 30.602 Creditable service for home leave.** Creditable service for purposes of accruing home leave shall include the period between the date of the employee's arrival at a post of duty outside the several States and the District of Columbia to which he is transferred or assigned and the date of his departure from any such post to return by transfer or assignment to a post of duty within the several States and the District of Columbia.

#### SUBPART G—REREDIT OF LEAVE

**SEC. 30.701 Annual leave.** (a) When an employee is separated from a position under this Act and reemployed in another position under the Act, without a break in service, his annual leave account shall be certified to the employing agency for credit or charge.

<sup>1</sup> As amended September 23, 1953, effective July 2, 1953.

<sup>2</sup> As added September 11, 1953, effective September 16, 1953.

(b) When annual leave is transferred between different leave systems under section 205 (e) of the Act, or is recredited under a different leave system as result of a refund under section 1 of the act of December 21, 1944, as amended, 7 calendar days of leave shall be considered equal to 5 work days.<sup>1</sup>

(c) When an employee transfers to a position under a different leave system to which he can transfer only a part of his annual leave, the untransferred leave shall be recredited to him if he returns to the leave system under which it was earned, without a break in service of more than 52 continuous calendar weeks.<sup>1</sup>

(d) When an employee transfers to a position (other than a position excepted from the Act under section 202 (b) (1) (B), (C), or (H)) to which he cannot transfer his annual leave because the position is not under an annual leave system, the untransferred leave shall be recredited to him if he returns to the leave system under which it was earned, without a break in service of more than 52 continuous calendar weeks.<sup>1</sup>

**SEC. 30.702 Sick leave recredit.** (a) Upon reemployment of an employee subject to this Act who was separated on or after January 6, 1952, without a break in service, or a break of not more than 52 continuous calendar weeks, the employee's sick leave account shall be certified to the employing agency for credit or charge to his account.

(b) When sick leave is transferred between different leave systems under section 205 (e) of the Act, 7 calendar days of leave shall be considered equal to 5 work days.<sup>1</sup>

(c) When an employee transfers to a position under a different leave system to which he can transfer only a part of his sick leave, the untransferred leave shall be recredited to him if he returns to the leave system under which it was earned, without a break in service of more than 52 continuous calendar weeks.<sup>1</sup>

(d) When an employee transfers to a position to which he cannot transfer his sick leave, the untransferred leave shall be recredited to him if he returns to the leave system under which it