

Chapter 06 - Leave and Liberty

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PART 1 – LEAVE

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Part 1 - Leave**06101 POLICY**

- A. Leave, liberty, and administrative absence policies for NOAA Corps officers will be consistent, insofar as possible, with the policies of other uniformed services as required by law. These policies provide respite from the work environment in ways that contribute to improved performance, increased motivation, and ensure maximum use of, while minimizing the loss of earned leave. [This regulation is promulgated in accordance with 10 U.S.C. chapter 40; 37 U.S.C. Chapter 9; and 33 U.S.C. 3071(a)(1).]

06102 DEFINITIONS

- A. Absent Without Official Leave (AWOL) is unauthorized absence from duty. See NCD 07405.
- B. Advance leave is leave granted before accrual, based on a reasonable expectation that it will be earned before the NOAA Corps officer is separated from active duty. It is chargeable to the NOAA Corps officer's leave account.
- C. Earned leave (Accrued Leave) is the term used to describe the amount of leave accrued to a NOAA Corps officer's account as of any given date. Earned leave may indicate a negative leave balance. By law, the account balance of ordinary or accrued leave must be reduced to 60 days at the end of each fiscal year. [33 U.S.C. 3071(a); 10 U.S.C. 701(b)]
- D. Emergency leave is granted for a personal or family emergency requiring the NOAA Corps officer's presence. It is chargeable to the NOAA Corps officer's leave account. Approving authorities may authorize emergency leave verbally and/or after the fact, provided the leave is appropriately documented upon the NOAA Corps officer's return to duty.
- E. Excess leave (Leave without Pay) is leave in excess of earned leave and advance leave, during which the NOAA Corps officer is not entitled to pay and allowances. A negative leave balance at the time of separation from active duty shall be considered excess leave without regard to the authority under which the leave resulting in the negative balance was granted.

Part 1 - Leave

- F. Leave is authorized absence from a place of duty, chargeable against the NOAA Corps officer's leave account. It is earned at the rate of two and a half days a month except for periods of active duty of less than 30 consecutive days or when in a non-pay status. [33 U.S.C. 3071(a); 10 U.S.C. 701(a)] When service begins or ends on an intermediate day of the month, leave will be credited for the fractional part of the month according to the following table:

No. of Days Served Leave Earned

1- 6 days	0.5 day
7-12 days	1.0 day
13-18 days	1.5 days
19-24 days	2.0 days
25-31 days	2.5 days

- G. Regular sick leave is a period during which a NOAA Corps officer, temporarily incapacitated because of illness or injury, is excused from duty for treatment, including self-treatment at home, in quarters, or other non-hospital facility. Regular sick leave also includes periods during which a NOAA Corps officer is excused from duty to obtain routine medical, dental, optical, or similar examinations or treatment.
- H. Convalescent leave or sick in quarters status is leave granted to NOAA Corps officers under medical care for sickness or injury, not fit for duty, covering medically prescribed convalescence and recuperation.
- I. Maternity leave may consist of both prenatal and postnatal periods of absence that can be authorized by a leave granting authority. A medical officer/practicing physician shall certify all periods of prenatal and postnatal leave as necessary. Prenatal and postnatal leave are not chargeable to the NOAA Corps officer's leave account but shall be documented as sick leave on an Officer Leave Request and Authorization form (NOAA Form 56-12). The completed 56-12 shall be forwarded to the Commissioned Personnel Center.
- J. Although not chargeable to a NOAA Corps officer's leave account, each use of sick leave exceeding two days must be reported to the NOAA Corps Payroll Unit for accounting purposes using an Officer Leave Request and Authorization form (NOAA Form 56-12).
- K. Terminal leave is absence on leave through the date of retirement, without the necessity of returning to the separation site.

Part 1 – Leave**06103 AUTHORITY TO GRANT LEAVE**

- A. Commanding officers, division chiefs, chiefs of field parties, and other immediate supervisors may grant leave to NOAA Corps officers under their command subject to the limitations prescribed below.
- (1) Leave may be granted to the extent of earned leave plus advance leave not to exceed 30 days total. Longer periods of earned leave, not to exceed 90 days total, require requests and approval by the head of a Line or Staff Office and approval of the Director.
 - (2) Excess leave (leave without pay) may be granted in accordance with 37 U.S.C. 502(b) or other applicable authority only with the approval of the Director.
 - (3) Convalescent leave may be granted only by competent medical authority, with the approval of the Director.
 - (4) Terminal leave incident to discharge (as opposed to retirement) from active duty is not normally granted. Under unusual circumstances and with the approval of the Director, approval of such leave may be granted. This requires a written request from the NOAA Corps officer routed through the chain of command.

06104 LEAVE SCHEDULES

- A. Individuals authorized to grant leave should establish annual leave programs to provide opportunity for all NOAA Corps officers to take leave within the constraints of operational requirements. Such programs should encourage the use of leave as a respite from the work environment.
- B. NOAA Corps officers who refuse to take leave when the opportunity is afforded shall be counseled regarding their obligation to execute leave programs and policies. The NOAA Corps officer should be cautioned that such refusal may result in the loss of any earned leave above 60 days at the end of the fiscal year.

Part 1 – Leave

- C. In pursuing maximum use of leave, particular emphasis shall be placed on granting leave in the following circumstances:
- (1) upon permanent change of station (PCS);
 - (2) after periods of particularly arduous duty and protracted periods of deployment from home station or home port, or when there is evidence of deteriorating health or morale;
 - (3) during federal holiday periods;
 - (4) when NOAA Corps officers or their families have been personally affected by natural disasters;
 - (5) for attendance at spiritual retreats or for other religious observances for which liberty is inadequate; and
 - (6) upon retirement, when requested, to the extent of unused leave.

06105 LEAVE IN CONJUNCTION WITH TEMPORARY DUTY (TDY)

- A. Leave should be granted in conjunction with TDY whenever requested and operationally acceptable. The amount of leave to be granted is subject to the limitations prescribed in NCD 06103.
- B. Great care must be taken to ensure that when leave is granted in connection with TDY, it is clear that the TDY is essential, and that no additional cost to the Government is involved.
- C. Leave taken in conjunction with TDY shall be documented on NOAA Form 56-12 and not on the travel order.

Part 1 – Leave**06106 TERMINAL LEAVE**

- A. Terminal leave will normally be granted when requested in order to preclude the loss of leave and to minimize accrued leave. If such leave is desired, the NOAA Corps officer must have retirement orders in his/her possession and have completed separation processing before departure on leave. The retirement date must occur immediately following completion of the authorized leave period. Terminal leave will not normally be granted in conjunction with non-retirement separation.

06107 LEAVE - DISABILITY PROCEEDINGS

- A. When ordered home or to another scheduled place on PCS orders to await further orders and disposition as a result of disability separation, a NOAA Corps officer shall be charged leave for each day in an "awaiting orders" status to the extent of all leave that accrues to the date of termination of the "awaiting orders" status. "Awaiting orders" status will be used only in cases where separation of the NOAA Corps officer is confirmed. It will not be used in situations where limited duty or sick leave are more appropriate.

06108 ABSENCE OVER LEAVE

- A. Absence over authorized leave, if determined to be unavoidable, shall be charged to the NOAA Corps officer's leave account otherwise it will be considered as absence without official leave.
- B. Absences over leave caused by mental incapacity, detention by civil authorities, or early departure of a mobile unit because of operational commitments, whether determined to be avoidable or excused as unavoidable, shall not be charged as annual leave, regardless of duration. Absence caused by mental incapacity shall be considered as time served. Absence because of detention by civil authorities shall be considered as leave without pay if not excused as unavoidable. Rules for determining whether absence is unavoidable are contained in the Department of Defense Military Pay and Allowances Entitlements Manual (DoD 7000.14R). Absence because of early departure of a mobile unit because of operational commitments shall be considered as time served provided the NOAA Corps officer promptly reports to a NOAA activity. Certain other circumstances may occur resulting in a NOAA Corps officer's being absent versus being on leave from his/her duty station. Details of such cases, with a recommendation from the NOAA Corps officer's immediate supervisor, should be forwarded to the Director, CPC, for a final determination of leave status for the period in question. See NCD 07405.

Part 1 – Leave**06109 LEAVE FORFEITED (UNEARNED)**

- A. Leave does not accrue during periods of:
- (1) unauthorized absence;
 - (2) absence in the hands of civil authorities, unless excused as being unavoidable;
 - (3) sickness because of misconduct;
 - (4) excess leave (leave without pay status);
 - (5) active duty of less than 30 days.

Periods listed above are deducted from active service on a day-for-day basis.

06110 LUMP-SUM LEAVE PAYMENT

- A. During a career in the uniformed services, each NOAA Corps officer, except as listed below, is entitled to payment for unused accrued leave. Effective February 10, 1976, a NOAA Corps officer can be paid for no more than 60 days of accrued leave. Under the savings provisions of 37 U.S.C. 501(h), as amended, NOAA Corps officers who had leave balances of 60 days or less of accrued leave on August 31, 1976, shall, at their option, continue to be paid for lump-sum leave based on basic pay, basic allowance for quarters (BAQ) and basic allowance for subsistence (BAS). Cash settlement of leave accrued on and after September 1, 1976, will be on the basis of basic pay only. Should a member reduce the August 31, 1976, leave balance through use of leave subsequent to August 31, 1976, the new balance establishes the amount of accrued leave for which basic pay, BAQ, and BAS may be paid during subsequent leave settlement.
- B. Payments for earned leave in the case of a NOAA Corps officer who dies while on active duty, or in the case of a NOAA Corps officer or former NOAA Corps officer who dies after retirement or discharge and before receiving that payment, shall be made in accordance with 10 U.S.C. 2771.
- C. Lump-sum payment for earned leave may be used to liquidate debts to the U.S. Government. [34 Comp. Gen. 504]

Part 1 – Leave

- D. The following are not entitled to a lump-sum payment:
- (1) NOAA Corps officers discharged under other than honorable conditions;
 - (2) NOAA Corps officers serving on active duty for periods of less than 30 consecutive days;
 - (3) NOAA Corps retired and continued or recalled on active duty without a break in active service;
 - (4) survivors of a NOAA Corps officer put to death as lawful punishment for a crime; and
 - (5) NOAA Corps officer accepting another commission in any uniformed service.
[37 U.S.C. 501(6)2]

06111 APPLICATION FOR LEAVE

- A. The NOAA Form 56-12 shall be used for requesting, authorizing, and accounting for all leave except leave authorized in PCS orders.
- B. The NOAA Corps officer will prepare NOAA Form 56-12 and distribute the copies as follows:
- (1) Keep endorsed original in possession at all times while on leave. Upon completion of leave, the NOAA Corps officer is to complete block 16, "Certification of Actual Leave" and return the original to his/her supervisor. The supervisor initials block 16-d, certifying leave taken and submits the original to the NOAA Corps Payroll Unit, C/O USCG HRSIC, 444 SE Quincy Street, Topeka, KS 66683.
 - (2) A copy of leave form with the supervisor before departing on leave. The supervisor retains a copy for his/her own record.
 - (3) NOAA Corps officer retains a copy for his/her own personal records.
- B. When leave is taken in conjunction with PCS orders, the NOAA Corps officer will submit a copy of the order, complete with all endorsements, to CPC. When leave is taken in conjunction with TDY orders, the NOAA Corps officer will submit NOAA Form 56-12.

Part 1 – Leave**06112 COMPUTATION OF LEAVE USED**

- A. Leave granting authorities shall not authorize commencement of annual leave before termination of the NOAA Corps officer's working hours on a day of duty. The day of departure from the duty station is considered a day of duty not chargeable to leave, if the NOAA Corps officer departs after close of business. If leave is granted before completion of the NOAA Corps officer's workday, the day is chargeable as leave. If no duties are scheduled for that day (i.e., regular day off), leave may commence anytime during the day. The day of return from leave (including weekends and holidays) shall be counted as a day of duty if the NOAA Corps officer returns before beginning of business.
- B. Leave shall be calculated based on the actual date of departure on leave and actual date of return from leave, regardless of the amount of leave authorized.
- C. See NCD 06206 for computation of leave used in conjunction with liberty.

PART 2 – Liberty

	Section
Policy	06201
Authority to Grant Liberty	06202
Regular Liberty	06203
Special Liberty	06204
Federal Holidays	06205
Computation of Leave Used in Conjunction with Liberty.....	06206

Part 2 – Liberty**06201 POLICY**

- A. NOAA Corps officers are on duty 24 hours per day, every day, except during authorized periods of leave or liberty. The conditions and limitations of the eight hour work day and 40 hour work week, along with other Civil Service practices, do not apply to NOAA Corps officers. This freedom from the legal limitations of "normal" working hours permits supervisors to schedule NOAA Corps officers for various periods of duty when necessary or desirable. A NOAA Corps officer is considered to be in a liberty status when not on duty or approved leave.
- B. Liberty is not chargeable as leave.

06202 AUTHORITY TO GRANT LIBERTY

- A. Individuals authorized to grant leave are authorized to grant liberty (see NCD 06103).

06203 REGULAR LIBERTY

- A. Under normal shore duty working conditions, regular liberty is granted from the end of the work day to the commencement of the next work day. On weekends, regular liberty commences at the end of the work day on Friday afternoon and expires with the commencement of the work day on the following Monday morning. For NOAA Corps officers on shift work, equivalent schedules should be arranged, though the days of the week may vary. Federal holidays and weekends are considered regular liberty periods. Periods of regular liberty shall not exceed 96 hours in length, except in the case of Federal holidays, weekends and periods specifically extended by the President.

B. Limitations to Regular Liberty

(1) The following authorities may prescribe limitations to regular liberty:

- (a) Director, Marine and Aircraft Operations Centers, for the Norfolk, Virginia; Pascagoula, Mississippi; Charleston, South Carolina; Woods Hole, Massachusetts; Seattle, Washington; San Diego, California; Honolulu, Hawaii; and Tampa, Florida areas.
- (b) Director for all areas not covered above. This authority may not be delegated.

Part 2 – Liberty

- (2) Restrictions on activities while on regular liberty may be stated in terms of:
 - (a) time required to return to duty station;
 - (b) distance traveled from duty station; or
 - (c) other criteria specified by authority designated in 06203B(1).
 - (3) NOAA Corps officers planning activities which exceed regular liberty restrictions shall request leave or special liberty in lieu of regular liberty.
- C. Regular liberty may be taken in conjunction with leave (regular liberty preceding and/or following the period of leave) provided regional constraints on regular liberty are met.
- D. Periods of regular liberty bracketed by leave (for example, Saturday and Sunday is leave if leave is taken both on a Friday and the following Monday) shall be charged to leave.
- E. Absence Over Regular Liberty (AORL)
- (1) AORL in excess of 24 hours, if determined to be unavoidable, shall be charged against the NOAA Corps officer's leave account. Leave will be charged commencing the day regular liberty status expired through the day of return, provided the time of return was after the start of normal working hours.
 - (2) When AORL is determined to be avoidable, it will be considered as absence without leave and be charged as leave without pay.
 - (3) Periods of AORL caused by mental incapacity, detention by civilian authorities, or early departure of a mobile unit due to operational commitments shall be treated as indicated in NCD 06108B.

06204 SPECIAL LIBERTY

- A. Special liberty shall not exceed 96 hours (four days), in 24 hour increments. Special liberty may be granted at the discretion of the leave granting authority.

Part 2 – Liberty

- B. Special liberty shall be requested using an Officer Leave Request and Authorization (NOAA Form 56-12).
- C. Special liberty and leave shall not be combined in continuous absence from the duty station. Special liberty and leave shall not be effective in succession through commencement of one immediately upon return to duty from the other.
- D. When an extension of an authorized period of special liberty is requested such that the entire period of authorized absence will exceed 96 hours, the special liberty must be charged as regular leave to the NOAA Corp officer's leave account.
- E. Absence Over Special Liberty (AOSL)
 - (1) When AOSL is determined to be unavoidable, the entire period will be charged as leave commencing the day special liberty status began through the day of return, provided the time of return was after the start of normal working hours, when:
 - (a) the period of excused unauthorized absence exceeds 24 hours; or
 - (b) the period of special liberty plus excused unauthorized absence exceeds 96 hours.
 - (2) When AOSL is determined to be avoidable, it will be considered as absence without leave and be charged as leave without pay.
 - (3) Periods of AOSL caused by mental incapacity, detention by civilian authorities, or early departure of a mobile unit due to operational commitments shall be treated as indicated in NCD 06108B.

06205 FEDERAL HOLIDAYS

- A. Except when operational commitments prevent observance, the following Federal holidays established by law will be observed as regular liberty. Holidays are charged as leave if they fall on or within the effective dates of leave.
 - (1) New Year's Day
 - (2) Martin Luther King's Birthday
 - (3) George Washington's Birthday
 - (4) Memorial Day

Part 2 – Liberty

- (5) Independence Day
- (6) Labor Day
- (7) Columbus Day
- (8) Veterans Day
- (9) Thanksgiving Day
- (10) Christmas Day and
- (11) Others, when directed by proper authority under law.

06206 COMPUTATION OF LEAVE USED IN CONJUNCTION WITH LIBERTY

- A. Special liberty may not be used in conjunction with leave.
- B. Periods of regular liberty bracketed by leave (for example, Saturday and Sunday if leave is taken both on a Friday and the following Monday) shall be charged to leave.
- C. Regular liberty followed or preceded by leave may be charged to leave, depending on command limitations on liberty (See NCD 06203B).

PART 3 - Proceed Time

	Section
Policy	06301
Proceed Time When Permanent Change Station Involves Temporary Duty	06302

Part 3 – Proceed Time**06301 POLICY**

- A. Proceed time is a period of absence, not chargeable as leave or travel time, authorized in conjunction with execution of certain Permanent Change Station (PCS) orders, which enable a NOAA Corps officer to attend to the administrative details involved in disestablishing and/or establishing a residence. Unless prohibited in NCD 06301B, four day proceed time may be authorized:
- (1) for NOAA Corps officers with dependents, whenever dependents are relocated in conjunction with a PCS or the NOAA Corps officer is transferred to or from a duty station where Government quarters are not utilized; and
 - (2) for NOAA Corps officers without dependents, whenever transferred to or from a permanent duty station where Government quarters are not utilized.
- B. Regardless of other considerations, proceed time is not authorized when:
- (1) incident to a PCS between two units located or home-ported within 25 miles of each other;
 - (2) a NOAA Corps officer's household goods are not relocated and either utilizes Government quarters permanently at the new duty station or continues to commute to the same residence after reporting to the new duty station.
 - (3) incident to reporting for active duty and assigned to the NOAA Corps officer's first permanent duty station;
 - (4) incident to separation, release from active duty, or retirement;
 - (5) incident to PCS orders (requiring reporting within four days of detachment);
 - (6) specifically precluded in PCS orders;
 - (7) in conjunction with excess leave or orders that have a no-cost to the Government provision, and
 - (8) under Permanent Change of Assignment (PCA) orders (see NCD 05404).

Part 3 – Proceed Time**06302 PROCEED TIME WHEN PCS INVOLVES TEMPORARY DUTY**

- A. When a NOAA Corps officer is detached from one permanent duty station, ordered to another permanent duty station, and is assigned temporary duty en route at one or more places, proceed time is authorized only once. It may be taken any time between detachment from and before reporting to the permanent duty station, if the reporting date permits.

- B. When the PCS orders of a NOAA Corps officer already traveling (at any point between duty stations) are modified or the un-executed portion canceled, the original orders and the modification or cancellation shall be considered as one set of orders for the purpose of proceed time. The NOAA Corps officer will be entitled to only one period of proceed time, provided the reporting date permits.

Part 4 – Sick Leave

	Section
Policy	06401
Responsibilities	06402
Procedures	06403
Maternity Leave	06404

Part 4 – Sick Leave**06401 POLICY**

- A. Sick leave includes any period during which a NOAA Corps officer, temporarily incapacitated because of illness or injury, is excused from duty for treatment, including self-treatment at home, in quarters, or in other non-hospital facility. It also includes periods during which a NOAA Corps officer is excused from duty to obtain routine medical, dental, or similar examinations or treatment. Regular sick leave, convalescent leave, and maternity leave are forms of sick leave.
- B. Each use of sick leave exceeding two days shall be documented using a Officer Leave Request and Authorization (NOAA Form 56-12). A NOAA Corps officer should submit certified sick leave slips to the NOAA Corps Payroll Unit. Sick leave must be reported, but is not charged to the NOAA Corps officer's leave account.

06402 RESPONSIBILITIES

- A. A NOAA Corps officer incapacitated for duty because of illness or injury is responsible for notifying his/her supervisor (leave granting authority) of the circumstances as soon as possible and for documenting sick leave.
- B. A NOAA Corps officer's supervisor (leave granting authority) is responsible for ensuring that authorization of sick leave is reasonable in the given circumstances.

06403 PROCEDURES

- A. Approval for pre-arranged medical services shall be obtained in advance from the NOAA Corps officer's supervisor.
- B. If absence from duty due to sickness or injury is likely to exceed two calendar days, the NOAA Corps officer, unless already under the care of a physician, shall report for treatment to the nearest U.S. Military Treatment Facility.
- C. If absence from duty due to sickness or injury is likely to exceed seven calendar days, the NOAA Corps officer shall obtain a statement from the attending physician indicating the nature of illness or injury and prognosis, including anticipated date of return to duty. This statement shall be submitted to the chain of command, it shall then be forwarded to the Director, CPC.

Part 4 – Sick Leave

- D. When the illness, injury, or pre-arranged medical services will require an absence from duty in excess of 30 days, the Director, CPC, shall refer the case to the NOAA Corps' designated medical advisor for recommendation and/or appropriate action.

06404 MATERNITY LEAVE

- A. Maternity leave may consist of both prenatal and postnatal periods of absence that can be authorized by a leave granting authority. A medical officer/practicing physician shall certify all periods of prenatal and postnatal leave as necessary. Prenatal and postnatal leave are not chargeable to the NOAA Corps officer's leave account but shall be documented as sick leave on an Officer Leave Request and Authorization form (NOAA Form 56-12). The completed 56-12 shall be forwarded to the Commissioned Personnel Center. (See NCD 06102I).

PART 5 - Administrative Absence and Permissive Travel

	Section
Administrative Absence.....	06501
Permissive Travel.....	06502

Part 5 - Administrative Absence and Permissive Travel**06501 ADMINISTRATIVE ABSENCE**

- A. Administrative absence is defined as a period of authorized absence, not chargeable as leave, for the purpose of attending or participating in activities of a semi-official nature, to the benefit of NOAA or the NOAA Corps. Such periods may include:
- (1) meetings sponsored by recognized non-federal technical, scientific, and professional societies and organizations, when the meetings bear direct relationship to the NOAA Corps officer's professional background or primary duties and clearly enhance the NOAA Corps officer's value to the service;
 - (2) meetings, professional society functions, or symposiums that involve the NOAA Corps officer's field of professional expertise, but at which the NOAA Corps officer has no official standing as a representative of NOAA or the NOAA Corps;
 - (3) participation in any function that will enhance the NOAA Corps officer's professional development or enhance the image of the NOAA Corps;
 - (4) training that may not directly benefit the parent organization but has the potential to enhance the NOAA Corps officer's general expertise or development as a manager and officer;
 - (5) for relocation, when the NOAA Corps officer has received formal notification of a specific forthcoming assignment that is geographically distant from the present assignment location. In this specific instance, leave not to exceed 5 days, may be authorized in conjunction with permissive orders;
 - (6) absence from the workplace to await disciplinary proceedings;
 - (7) response to a subpoena, summons, or request in lieu of process, as a witness at a state criminal investigative proceeding or criminal prosecution involving substantial public interest, such as major crimes in which the NOAA Corps officer would be an essential witness; and
 - (8) other occasions as determined by the Director.

Part 5 - Administrative Absence and Permissive Travel

- B. Administrative absences may be authorized by leave granting authorities for purposes indicated above not to exceed ten calendar days in a year. Care must be taken that the absence contemplated falls clearly within the criteria provided. If it does not, the absence must be handled under normal leave or liberty procedures (see NCD Chapter 6, Parts 1 & 2).

06502 PERMISSIVE TRAVEL

- A. Permissive travel may be authorized in conjunction with administrative absence, where travel at no cost to the Government is appropriate, but where a charge to the NOAA Corps officer's leave balance is not appropriate. Permissive travel orders should be issued by the NOAA Corps officer's parent organization (leave granting authority) in conjunction with any administrative absence which requires the NOAA Corps officer to leave the local commuting area. Permissive travel orders should be limited to the time necessary for the NOAA Corps officer to accomplish the purpose of the travel, but in no case will the time exceed ten consecutive days.
- B. Permissive travel orders shall not be issued where the primary purpose is, or appears to be, for activities that would normally require the NOAA Corps officer to take leave.
- C. Permissive travel orders may not be issued to provide direct support to any NOAA program or project which requires regular orders.