



# Department of Defense INSTRUCTION

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USD(P&R)

SUBJECT: DoD Civilian Personnel Management System: On-call Pay For Healthcare Personnel

References: See Enclosure 1

## 1. PURPOSE

a. Instruction. This instruction is composed of several volumes, each containing its own purpose. The purpose of the overall instruction, in accordance with the authority in DoD Directive 5124.02 (Reference (a)), is to establish and implement policy, establish procedures, provide guidelines and model programs, delegate authority, and assign responsibilities regarding civilian personnel management within the DoD.

b. Volume. In accordance with DoD Directive 1400.25 (Reference (b)), and the authority in Reference (a), this volume reissues Volume 542 of this instruction (Reference (c)), to provide rules for compensating employees for on-call work pursuant to section 5371 of Title 5, United States Code (U.S.C.) (Reference (d)) and section 7457 of Title 38, U.S.C. (Reference (e)), as provided by section 1104 of Reference (d) and the Delegation Agreement between the Office of Personnel Management (OPM) and the DoD (Reference (f)).

## 2. APPLICABILITY

a. This volume applies to:

(1) OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this volume as the "DoD Components").

(2) Certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, occupational therapists, and other similar healthcare

personnel who are covered by section 7401(3) of Reference (e) and who provide direct patient-care services or services incident to direct patient-care service.

b. This volume does not apply to employees providing administrative, clerical, physical plant maintenance, and protective services or employees receiving additional pay for on-call duty pursuant to section 7453(h) of Reference (e).

3. POLICY. It is DoD policy that:

a. DoD Component work units may be designated where an employee may be required to be on call. Designation of such work units should be based upon staffing needs that cannot be solved without placing an employee on call.

b. Supervisors of work units where employees may be required to be on call may be authorized to schedule such employees to be on-call in accordance with the procedures in this volume.

c. An employee should not be scheduled to be on-call unless it is essential for such an employee to be **immediately** available to return to duty.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

6. RELEASABILITY. **Cleared for public release**. This volume is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This volume is effective April 17, 2015.

  
Jessica L. Wright  
Under Secretary of Defense for  
Personnel and Readiness

Enclosures

1. References
2. Responsibilities
3. Procedures

Glossary

TABLE OF CONTENTS

ENCLOSURE 1: REFERENCES.....4

ENCLOSURE 2: RESPONSIBILITIES.....5

    ASSISTANT SECRETARY OF DEFENSE FOR ~~READINESS MANPOWER AND~~  
    *RESERVE AFFAIRS* (ASD(*M&RA*)) .....5

    ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS (ASD(HA)).....5

    DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL  
    POLICY (DASD(CPP)).....5

    DIRECTOR, DEPARTMENT OF DEFENSE HUMAN RESOURCES ACTIVITY  
    (DoDHRA).....5

    DoD COMPONENT HEADS.....5

    DEFENSE AGENCY HEADS AND DoD FIELD ACTIVITY DIRECTORS WITH  
    INDEPENDENT APPOINTING AUTHORITY AND DoD COMPONENT MILITARY  
    TREATMENT FACILITY COMMANDERS .....6

ENCLOSURE 3: PROCEDURES.....7

    ELIGIBILITY .....7

    ADMINISTRATION OF ON-CALL PAY .....7

GLOSSARY .....8

    PART I: ABBREVIATIONS AND ACRONYMS .....8

    PART II: DEFINITIONS.....8

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- (b) DoD Directive 1400.25, “DoD Civilian Personnel Management System,” November 25, 1996
- (c) DoD Instruction 1400.25, Volume 542, “DoD Civilian Personnel Management System: Pay Pursuant to Title 38 - On-Call Pay,” December 1, 1996, (hereby cancelled)
- (d) Title 5, United States Code
- (e) Title 38, United States Code
- (f) Delegation Between the OPM and the DoD, “Use of Certain Personnel Authorities for Healthcare Occupations,” July 1, 2014<sup>1</sup>
- (g) Title 10, United States Code
- (h) Title 29, United States Code

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<sup>1</sup> To obtain a copy, call the Defense Civilian Personnel Advisory Service: 571-372-1676.

ENCLOSURE 2

RESPONSIBILITIES

1. ASSISTANT SECRETARY OF DEFENSE FOR **READINESS MANPOWER AND RESERVE AFFAIRS** (ASD(M&RA)). Under the authority, direction, and control of the USD(P&R), the ASD(M&RA) develops and oversees the implementation of the policy in this volume.
  
2. ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS (ASD(HA)). Under the authority, direction, and control of the USD(P&R), the ASD(HA) oversees the implementation guidelines for pay pursuant to Reference (e) for certain healthcare professionals authorized in Reference (e), Reference (f), and this volume.
  
3. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL POLICY (DASD(CPP)). Under the authority, direction, and control of the USD(P&R) through the ASD(M&RA), the DASD(CPP):
  - a. Implements policy governing pay pursuant to Reference (e) for certain healthcare professionals as described in this volume.
  
  - b. Exercises final approval authority on recommendations concerning the structure, function, and applicability of this volume.
  
  - c. Oversees the appropriate and effective use of the authorized flexibilities of this volume.
  
4. DIRECTOR, DEPARTMENT OF DEFENSE HUMAN RESOURCES ACTIVITY (DoDHRA). Under the authority, direction, and control of the USD(P&R), the Director, DoDHRA provides support to the DASD(CPP), as appropriate, in execution of the duties and responsibilities of this volume.
  
5. DoD COMPONENT HEADS. The DoD Component heads:
  - a. Implement and measure the use of the authorities of this volume within their areas of responsibility. This authority may be delegated, in writing, to the DoD Component Surgeons General or, if the Component does not have a Surgeon General, to officials who exercise personnel appointing authority.
  
  - b. Approve or disapprove the use of the pay authorities contained in this volume and must coordinate with the commander(s) or director(s) of all other federal healthcare facilities in the local area to ensure that federal healthcare professionals in similar situations are treated

equitably. Where there are differences in staffing situations, equal compensation may not necessarily be appropriate. This authority may be further delegated, in writing, to the command or activity level, but no lower than the Executive Officer or Deputy Commander (or equivalent) of the command or activity.

6. DEFENSE AGENCY HEADS AND DoD FIELD ACTIVITY DIRECTORS WITH INDEPENDENT APPOINTING AUTHORITY AND DoD COMPONENT MILITARY TREATMENT FACILITY COMMANDERS. The Defense Agency heads and DoD Field Activity directors with independent appointing authority and DoD Component military treatment facility commanders (or their equivalents):

a. Notify the appropriate DoD Component head of any changes in the application or use of the authorities of this volume.

b. Monitor pay administration practices to determine its impact on healthcare delivery, recruitment, and retention.

c. Monitor pay administration practices to ensure consistent and equitable treatment of similarly situated healthcare professionals covered by this volume among federal employers in the local area.

d. Keep adequate records to evaluate the use of this authority as required by the ASD(HA). Such records should include:

(1) How the authority is used by the facility.

(2) The location of the facility.

(3) The type of occupations covered.

(4) Any other pertinent data that may be required to evaluate the overall use of the authority by the DoD and OPM.

e. Provide supplemental guidance, direction, and resources as necessary to ensure the effective application of authorities of Reference (f) and this volume.

f. Ensure collective bargaining obligations, as appropriate, are satisfied in accordance with chapter 71 of Reference (e) and Title 10, U.S.C. (Reference (g)).

g. Ensure all documents are provided to the DoD Component heads as requested.

ENCLOSURE 3

PROCEDURES

1. ELIGIBILITY. To be eligible to receive on-call pay, an employee must be assigned to a healthcare work unit for which such pay is authorized and must be officially scheduled to be on call outside his or her regular duty hours or on a holiday.

2. ADMINISTRATION OF ON-CALL PAY

a. An employee officially scheduled to be on-call pursuant to this volume will be paid 10 percent of his or her applicable overtime rate (calculated based on 1.5 times an hourly rate of basic pay derived by dividing an annual rate of basic pay by 2087), as prescribed by section 5504 of Reference (d) for each hour of on-call duty.

b. When an employee on call is required to return to work, on-call pay will be suspended and the employee will be paid basic pay or overtime pay, as appropriate, for the period the employee actually performs work. When released from the requirement to perform actual work, the employee will return to his or her remaining scheduled on-call status.

c. When an employee on call is required to return to work, the time spent performing actual work is deemed to be at least 2 hours for pay purposes. An employee may not receive on-call pay during periods that are deemed to be actual work pursuant to this provision.

d. If an employee is incapacitated or otherwise unavailable to return to work during a scheduled on-call period, the employee must report his or her incapacitation or unavailability to the scheduling official. An employee unable to return to work during such a period is not entitled to on-call pay.

e. An employee who is excused from regular duty on a holiday or in-lieu of holiday may be scheduled to be on-call and receive on-call pay.

f. For overtime pay purposes pursuant to chapter 8 of Title 29, U.S.C. (Reference (h)), on-call pay is included in total remuneration, but hours in an on-call status are not considered hours of work.

## GLOSSARY

### PART I. ABBREVIATIONS AND ACRONYMS

ASD(HA)	Assistant Secretary of Defense for Health Affairs
ASD( <i>M&amp;RA</i> )	Assistant Secretary of Defense for <i>Readiness Manpower and Reserve Affairs</i>
DASD(CPP)	Deputy Assistant Secretary of Defense for Civilian Personnel Policy
DoDHRA	Department of Defense Human Resources Activity
OPM	Office of Personnel Management
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

### PART II. DEFINITIONS

These terms and their definitions are for the purposes of this volume.

dental treatment facility. A facility staffed and equipped to provide dental care to eligible beneficiaries. It may be affiliated with, or independent of, a medical treatment facility. A dental treatment facility is funded by the Defense Health Program.

medical treatment facility. A DoD health facility staffed and equipped to provide inpatient or outpatient medical care to eligible beneficiaries. It may be affiliated with, or independent of, a dental treatment facility. A medical treatment facility is funded by the Defense Health Program.

on-call. An employee who must be available to return to work promptly. If an employee is incapacitated or otherwise unavailable to return to work during a period of scheduled on-call duty, the employee must report his or her incapacitation or unavailability to the official authorizing the duty.

regular duty hours. Hours over an extended period (i.e., several workweeks) when an employee typically performs regularly scheduled work.

work unit. An entity with a specific mission, homogeneous procedures, or technology that is headed by a supervisor or manager and located in the same physical place.