

that section is effective as of Sept. 23, 1996, and as if included in the National Defense Authorization Act for Fiscal Year 1997, Pub. L. 104-201, as enacted.

**EFFECTIVE DATE OF 1966 AMENDMENT**

Amendments of this section by Pub. L. 89-391 effective on first day of first pay period beginning after Apr. 14, 1966, see section 2 of Pub. L. 89-391, set out as a note under section 902 of this title.

**EFFECTIVE DATE OF 1959 AMENDMENT**

Amendment by Pub. L. 86-370 effective on first day of first pay period which begins after Sept. 23, 1959, see section 7(b) of Pub. L. 86-370, set out as a note under section 3 of Title 35, Patents.

**TEACHERS EMPLOYED BY CANAL ZONE GOVERNMENT SCHOOL SYSTEM ON SEPTEMBER 30, 1979**

Subsec. (c) of this section not to apply with respect to any teacher who was employed by the Canal Zone Government school system on September 30, 1979, and who was transferred from such position to a teaching position which is under the Department of Defense Overseas Dependent School System and the permanent duty station of which is in the Republic of Panama, until the rates of basic compensation established under subsec. (c) of this section equal or exceed the rates of basic compensation then in effect for teachers who were so transferred, see section 3671(c)(1) of Title 22, Foreign Relations and Intercourse.

**§ 904. Leave**

**(a) Entitlement; amount**

Subject to the regulations prescribed and issued by the Secretary of Defense under section 902 of this title, each teacher (other than an individual employed as a substitute teacher) shall be entitled to cumulative leave, with pay, which shall accrue at the rate of one day for each calendar month, or part thereof, of a school year, except that if the school year includes more than eight months, any such teacher who shall have served for the entire school year shall be entitled to ten (or, if such teacher is employed in a supervisory position or higher, not less than ten and not more than thirteen) days of cumulative leave with pay.

**(b) Saturdays, Sundays, holidays, and nonwork days**

Saturdays, Sundays, regularly scheduled holidays, and other administratively authorized nonwork days shall not be considered to be days of leave for the purposes of subsection (a) of this section.

**(c) Purposes for taking leave**

Subject to the regulations prescribed and issued by the Secretary of Defense, leave earned by any teacher under subsection (a) of this section may be used by such teacher—

- (1) for maternity purposes,
- (2) in the event of the illness of such teacher,
- (3) in the event of illness, contagious disease, or death in the immediate family of such teacher, and
- (4) in the event of any personal emergency.

If appropriate advance notice is given of the intended absence of a teacher, not to exceed three days of such leave may be granted for any purpose in each school year to such teacher.

**(d) Credit for persons holding teaching positions and for employees transferred, promoted or reappointed**

Any individual—

(1) who is holding a position which is determined to be a teaching position, or

(2) who is an employee of the Federal Government or the municipal government of the District of Columbia who is transferred, promoted, or reappointed, without break in service, from a position under a different leave system to a teaching position,

shall be credited, for the purposes of the leave system provided by this section, with the annual and sick leave to his credit immediately prior to the effective date of such determination, transfer, promotion, or reappointment. Sick leave so credited shall be included in the leave provided for in subsection (a) of this section. Annual leave so credited shall not be included in the leave provided for in such subsection but shall be used under regulations which shall be prescribed by the Secretary of Defense.

**(e) Excess of maximum amount of accumulated leave; reduction**

In any case in which the amount of sick leave, which is to the credit of any individual under a different leave system immediately prior to the date on which he becomes subject as a teacher to the leave system provided by this section and which is included in the leave provided for in subsection (a) of this section, is in excess of the maximum amount of accumulated leave allowable under subparagraph (2) of such subsection, such excess shall remain to the credit of such teacher until used, but the use during any leave year of an amount in excess of the aggregate amount which shall have accrued during such year shall reduce automatically the maximum allowable amount of accumulated leave at the beginning of the next leave year until such amount no longer exceeds the maximum amount allowable under subparagraph (2) of subsection (a) of this section.

**(f) Liquidation of unused leave upon separation**

Any annual leave remaining, upon his separation from the service, to the credit of an individual within the purview of this section shall be liquidated in accordance with section 5551 of title 5, except that leave earned or included under subsection (a) of this section shall not be liquidated.

**(g) Transfer of leave credit for teachers transferred, promoted or reappointed to positions under different leave system**

In the case of any teacher who is transferred, promoted, or reappointed, without break in service, to a position under a different leave system, the annual leave, and any other leave earned or credited under this section, which is to his credit immediately prior to such transfer, promotion, or reappointment, shall be transferred to his credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Director of the Office of Personnel Management.

**(h) Voluntary leave transfer and bank programs**

The Director of Dependents' Education, in consultation with the Director of the Office of Personnel Management—

- (1) shall establish for teachers a voluntary leave transfer program similar to the one

under subchapter III of chapter 63 of title 5; and

(2) may establish for teachers a voluntary leave bank program similar to the one under subchapter IV of chapter 63 of title 5.

Only leave described in the last sentence of subsection (c) of this section (relating to leave that may be used by a teacher for any purpose) may be transferred under any program established under this subsection.

(Pub. L. 86–91, § 6, July 17, 1959, 73 Stat. 214; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Pub. L. 98–369, div. B, title II, § 2204, July 18, 1984, 98 Stat. 1059; Pub. L. 103–425, § 1, Oct. 31, 1994, 108 Stat. 4369.)

#### CODIFICATION

In subsec. (f), “section 5551 of title 5” substituted for “the Act of December 21, 1944 (5 U.S.C. 61b and the following)” on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section was formerly classified to section 2354 of Title 5 prior to the general revision and enactment of Title 5 by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

#### AMENDMENTS

1994—Subsec. (a). Pub. L. 103–425, § 1(1), inserted “(or, if such teacher is employed in a supervisory position or higher, not less than ten and not more than thirteen)” after “ten”.

Subsec. (d). Pub. L. 103–425, § 1(2), substituted “Secretary of Defense” for “Secretary of the military department concerned” in concluding provisions.

Subsec. (h). Pub. L. 103–425, § 1(3), added subsec. (h).

1984—Subsec. (a). Pub. L. 98–369 struck out provisions which had directed that not more than seventy-five days of leave could be accumulated to the credit of a teacher at any one time under this subsection.

#### TRANSFER OF FUNCTIONS

“Director of the Office of Personnel Management” substituted for “United States Civil Service Commission” in subsec. (g), pursuant to Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1–102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

### § 905. Quarters, quarters allowances, and storage

#### (a) Entitlement

Under regulations which shall be prescribed by or under authority of the President, each teacher (other than a teacher employed in a substitute capacity) shall be entitled, in addition to basic compensation, to quarters, quarters allowance, and storage as provided by this section.

#### (b) Furnishing of living quarters or grant of allowance

Each teacher (other than a teacher employed in a substitute capacity) shall be entitled, for each school year for which he performs services as a teacher, to quarters or a quarters allowance equal to those authorized by section 5912 of title 5.

#### (c) Recess periods

Each teacher (other than a teacher employed in a substitute capacity) who is performing serv-

ices as a teacher at the close of a school year and agrees in writing to serve as a teacher for the next school year may be authorized, for the recess period immediately preceding such next school year—

(1) quarters or a quarters allowance equal to those authorized by section 5912 of title 5, or

(2) in lieu of such quarters or quarters allowance, storage (including packing, drayage, unpacking, and transportation to and from storage) of his household effects and personal possessions.

#### (d) Failure to report for service; liability to United States

If a teacher does not report for service at the beginning of the next school year, he shall, except for reasons beyond his control and acceptable to the Department of Defense, be obligated to the United States in an amount equal to any quarters allowance which he may have received under subsection (c) of this section or in an amount equal to the reasonable value of any quarters or storage which he may have received under such subsection, or both, as the case may be.

#### (e) Employment in other positions during recess periods

Quarters, quarters allowance, and storage provided under this section shall be in lieu of any quarters, quarters allowance, and storage to which he otherwise might be entitled by reason of employment in another position during any recess period between two school years.

#### (f) Lease of military family housing by teacher assigned to teach at Guantanamo Bay Naval Station, Cuba

(1) A teacher assigned to teach at Guantanamo Bay Naval Station, Cuba, who is not accompanied at such station by any dependent shall be offered for lease any available military family housing at such station that is suitable for occupancy by the teacher and is not needed to house members of the armed forces and dependents accompanying them or other civilian personnel and any dependents accompanying them.

(2) For any period for which military family housing is leased under paragraph (1) to a teacher described in such paragraph, the teacher shall receive a quarters allowance in the amount determined under subsection (b) of this section. The teacher is entitled to such quarters allowance without regard to whether other Government furnished quarters are available for occupancy by the teacher without charge to the teacher.

(Pub. L. 86–91, § 7, July 17, 1959, 73 Stat. 216; Pub. L. 87–172, § 1, Aug. 30, 1961, 75 Stat. 409; Pub. L. 107–314, div. A, title III, § 342, Dec. 2, 2002, 116 Stat. 2515.)

#### CODIFICATION

In subsecs. (b) and (c)(1), “section 5912 of title 5” substituted for “the Act of June 26, 1930 (5 U.S.C. 118a)” on authority of Pub. L. 89–554, § 7(b), June 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section was formerly classified to section 2355 of Title 5 prior to the general revision and enactment of Title 5 by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.