

◀ Current ▶

[<< Previous](#) [TITLE 38 / PART V / CHAPTER 74 / SUBCHAPTER IV / § 7456A](#) [Next](#)
 >>

[\[Print\]](#) [\[Print selection\]](#)

[\[OLRC Home\]](#) [Help](#)

38 USC 7456A: Nurses: alternate work schedules

Text contains those laws in effect on October 10, 2024

From Title 38-VETERANS' BENEFITS

PART V-BOARDS, ADMINISTRATIONS, AND SERVICES

CHAPTER 74-VETERANS HEALTH ADMINISTRATION-PERSONNEL

SUBCHAPTER IV-PAY FOR NURSES AND OTHER HEALTH-CARE PERSONNEL

Jump To:

[Source Credit](#)

[Miscellaneous](#)

[Amendments](#)

§7456A. Nurses: alternate work schedules

(a) APPLICABILITY.-This section applies to registered nurses appointed under this chapter.

(b) 72/80 WORK SCHEDULE.-(1)(A) Subject to paragraph (2), if the Secretary determines it to be necessary in order to obtain or retain the services of registered nurses at any Department health-care facility, the Secretary may provide, in the case of nurses employed at such facility, that such nurses who work six regularly scheduled 12-hour tours of duty within a 14-day period shall be considered for all purposes to have worked a full 80-hour pay period.

(B) A nurse who works under the authority in subparagraph (A) shall be considered a 0.90 full-time equivalent employee in computing full-time equivalent employees for the purposes of determining compliance with personnel ceilings.

(2)(A) Basic and additional pay for a nurse who is considered under paragraph (1) to have worked a full 80-hour pay period shall be subject to subparagraphs (B) and (C).

(B) The hourly rate of basic pay for a nurse covered by this paragraph for service performed as part of a regularly scheduled 36-hour tour of duty within the work week shall be derived by dividing the nurse's annual rate of basic pay by 1,872.

(C) The Secretary shall pay overtime pay to a nurse covered by this paragraph who-

(i) performs a period of service in excess of such nurse's regularly scheduled 36-hour tour of duty within an administrative work week;

(ii) for officially ordered or approved service, performs a period of service in excess of 8 hours on a day other than a day on which such nurse's regularly scheduled 12-hour tour of duty falls;

(iii) performs a period of service in excess of 12 hours for any day included in the regularly scheduled 36-hour tour of duty work week; or

(iv) performs a period of service in excess of 40 hours during an administrative work week.

(D) The Secretary may provide a nurse to whom this subsection applies with additional pay under [section 7453 of this title](#) for any period included in a regularly scheduled 12-hour tour of duty.

(3) A nurse who works a work schedule described in this subsection who is absent on approved sick leave or annual leave during a scheduled 12-hour tour of duty shall be charged for such leave at a rate of ten hours of leave for every nine hours of absence.

(c) HOLIDAY PAY.-A nurse working a work schedule under subsection (b) that includes a holiday designated by law or Executive order shall be eligible for holiday pay under [section 7453\(d\) of this title](#) for any service performed by the nurse on such holiday under such section.

(d) 9-MONTH WORK SCHEDULE FOR CERTAIN NURSES.-(1) The Secretary may authorize a registered nurse appointed under [section 7405 of this title](#), with the nurse's written consent, to work full-time for nine months