

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service

Chapter CC23 - Staffing
Subchapter CC23.4 - Promotion
Personnel INSTRUCTION 1 - Permanent Grade Promotions

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Section A. Purpose and Scope

1. This INSTRUCTION sets forth the policies and procedures governing the permanent grade promotion program for Regular and Reserve Corps officers in the Commissioned Corps of the Public Health Service (PHS Commissioned Corps) who are serving on extended active duty.
2. This INSTRUCTION does not apply to the following unless otherwise noted:
 - a. Officers in the Inactive Reserve Corps (See Subchapter CC23.5, INSTRUCTION 9, "Short Tours of Active Duty- Inactive Reserve Corps");

- b. Officers called to active duty for short or intermittent tours as defined in Subchapter CC23.5, INSTRUCTION 9;
 - c. Officers appointed under the Junior or Senior Commissioned Officers Student Training and Extern Programs (See Subchapters CC25.2, INSTRUCTION 4, "Junior Commissioned Officer Student Training and Extern Program (COSTEP),"and CC25.2, INSTRUCTION 5, "Senior Commissioned Officer Student Training and Extern Program (Senior COSTEP),"respectively);
 - d. Officers assigned to the Uniformed Services University of the Health Sciences (USUHS) who are attending USUHS in order to obtain their qualifying degree (See Subchapter CC45.2, INSTRUCTION 3, "Assignment of PHS Commissioned Officers to the USUHS"); and
 - e. Officers being examined for promotion to the Assistant Surgeon General grades (O-7 and above) (See Subchapter CC23.4, INSTRUCTION 7, "Flag Officer Selection and Assignment.")
3. This INSTRUCTION is effective as of the date signed by the Assistant Secretary for Health (ASH).

Section B. Authorities

1. Section 203 of the PHS Act (42 U.S.C. 204.)
2. Section 209 of the PHS Act (42 U.S.C. 210b.)
3. Section 210 of the PHS Act (42 U.S.C. 211.)
4. Section 215 of the PHS Act (42 U.S.C. 216.)
5. Executive Order 11140, dated January 30, 1964.
6. Reorganization Plan 3 of June 25, 1966.
7. Subchapter CC43.4, INSTRUCTION 1, "Promotion of Commissioned Officers in the Public Health Service."
8. The Secretary of Health and Human Services (HHS or Department) has delegated the authorities that are necessary to administer the PHS Commissioned Corps to the ASH including the appointment and promotion authorities that pertain to the permanent grade promotion program (See 42 U.S.C. 204 and 42 U.S.C. 211 and 53 FR 3457 dated February 5, 1988.)

Section C. Definitions

The following terms are defined in this INSTRUCTION as follows:

1. Annual Permanent Promotion Board (APPB). A board convened to examine Regular and Reserve Corps officers serving on extended active duty for permanent promotion to the next higher grade.

2. Category or group. One of the professional categories or groups into which officers are divided for purposes of establishing eligibility for promotion (See Sections 209 and 210 of the PHS Act (42 U.S.C.210b and 211(d)).
3. Examination. The process used to evaluate an officer for permanent promotion.
4. Extended Active Duty. A call or order to active duty for a period in excess of 120 days.
5. Permanent Promotion. A promotion to a grade below which an officer shall not be reduced except for cause under applicable PHS Commissioned Corps regulations.
6. Promotion credit. The total active-duty time of a Regular Corps officer in his/her Assistant grade (O-3) or above.
7. Restricted grades. The Senior grade (O-5) or both Full (O-4) and Senior grade in a professional category to which promotions shall be made only if vacancies exist in such grade or grades (See Section G. of Subchapter CC43.4, INSTRUCTION 1.)
8. Selected promotion. A permanent promotion to the Director grade (O-6) or a grade that is restricted.
9. Seniority credit. The total amount of active-duty time of a Regular Corps officer in his/her current permanent grade.
10. Service promotion. A permanent promotion for a Regular Corps officer to any grade other than to the Director grade (O-6) or a grade that is restricted.
11. Training and Experience Date (TED) Credit. Education, training or work experience that is creditable for purposes of establishing an officer's permanent grade at appointment or in determining an officer's eligibility for permanent promotion on or after original appointment (See Subchapter CC23.3, INSTRUCTION 4, "Appointment Standards and Appointment Boards.")
12. Time in Grade. The total time in grade since the last appointment to such grade that an officer has served on active duty during the officer's current tour with the PHS Commissioned Corps.

Section D. Permanent Promotion Eligibility Criteria

1. Regular Corps officers serving on extended active duty become eligible for examination for permanent promotion based on the following criteria:
 - a. For Selected Promotion:
 - (1) To the Director grade (O-6) (all categories) - after 4 years seniority credit in the permanent Senior grade (O-5); or
 - (2) To the Senior grade (O-5) when restricted - after 7 years seniority credit in the permanent Full grade (O-4).
 - b. For Service Promotion:
 - (1) To Senior grade (O-5) when not restricted - after 17 years promotion credit;

- (2) To Full grade (O-4) (all categories) - after 10 years promotion credit;
 - (3) To Senior Assistant grade (O-3) (all categories) - after 3 years promotion credit; or
 - (4) To Assistant grade (O-2) (all categories) - after 7 years of TED credit.
2. Reserve Corps officers serving on extended active duty become eligible for examination for permanent promotion based on the following criteria:
 - a. For Selected Promotion:
 - (1) To the Director grade (O-6) (all categories) - after 4 years in the permanent Senior grade (O-5); or
 - (2) To the Senior grade (O-5) when restricted - after 7 years in the permanent Full grade (O-4).
 - b. For Other Permanent Promotions:
 - (1) To Senior grade (O-5) when not restricted - after 24 years TED credit;
 - (2) To Full grade (O-4) (all categories) - after 17 years of TED credit;
 - (3) To Senior Assistant grade (O-3) (all categories) – after 10 years TED credit; or
 - (4) To Assistant grade (O-2) (all categories) – after 7 years of TED credit.
3. After original appointment, Regular and Reserve Corps officers must hold their temporary grade for at least 1 year prior to being promoted to the same permanent grade.
4. Permanent Promotions must be in sequential order, i.e., grades cannot be skipped.

Section E. Noncompetitive Permanent Promotion Policy

1. Reserve Corps officers serving on extended active duty who are eligible for permanent promotion to the Assistant (O-2) and Senior Assistant (O-3) grades will be promoted on the first day of the month following the date upon which the officer attains eligibility for promotion provided:
 - a. A current satisfactory Commissioned Officers' Effectiveness Report (COER) is in the officer's Official Personnel Folder (OPF);
 - b. The officer is in compliance with the licensure requirements listed in Subchapter CC26.1, INSTRUCTION 4, "Professional License/Certification/Registration/Requirements for Commissioned Officers in the Public Health Service;"
 - c. The officer has met the basic level of readiness (this requirement does not apply until May 1, 2005; (See Subchapter CC26.1, INSTRUCTION 8, "PHS Readiness Standards"); and any other requirements as identified by the ASH; and
 - d. There are no current or pending adverse or disciplinary actions.

2. If prior to the effective date of the permanent promotion, the Surgeon General (SG) determines that a category or group board should review the qualifications for promotion of an officer listed in section E.1, above, the officer's records shall be forwarded to the next APPB for evaluation. If the APPB recommends that the officer be promoted, that recommendation is submitted through the SG to the ASH. If the ASH approves, the effective date of the promotion will be July 1 of the promotion year or the officer's date of eligibility, whichever is later.

Section F. Competitive Permanent Promotion Policy

1. Regular and Reserve Corps officers who meet the eligibility requirements for permanent promotion, will be examined by an APPB for such promotion during the annual promotion year which runs from July 1 through June 30. Permanent promotions for Regular Corps officers are subject to confirmation by the U.S. Senate.
2. APPBs will assess the qualifications of the following:
 - a. Regular Corps officers who will be eligible during the promotion year for permanent promotion to any grade;
 - b. Reserve Corps officers who will be eligible during the promotion year for permanent promotion to the Full grade (O-4), or above;
 - c. Regular and Reserve Corps officers who were eligible and examined for permanent promotion in the officer's preceding promotion year, but did not receive a promotion;
 - d. Officers who are eligible for permanent promotion, but who are referred to an APPB for examination by the SG pursuant to section E.2, above;
 - e. Officers who are referred to an APPB as a result of an administrative process such as the Board for Corrections of PHS Commissioned Corps Records, a grievance, or an equal opportunity action; and
 - g. Officers who are referred to an APPB by the SG to remedy an administrative error in the promotion process.
3. APPBs measure the capabilities and performances of officers for promotion to the next higher permanent grade using predetermined precepts and benchmarks. The precepts utilized by APPBs are announced annually, but will include at least the following:
 - a. Performance Rating and Reviewing Official Statement;
 - b. Education, training, and professional development (Professional Qualifications);
 - c. Career progression and potential;
 - d. Professional contributions and service to the PHS Commissioned Corps; and
 - e. Response Readiness.

Note: For Promotion Year (PY) 2005 and thereafter, additional precept consideration will be given for isolated/hardship assignments and response activities.

Section G. Membership Policy and Procedures for APPBs

1. The PHS Commissioned Corps utilizes APPBs to assess the fitness and qualifications of Regular and Reserve Corps officers for permanent promotion to the next higher grade. APPBs are responsible for ensuring that only the best-qualified officers are recommended for permanent promotion.
2. At least once each calendar year, the SG will appoint one or more APPBs for each professional category or group to consider the fitness and qualifications of officers appointed to the Regular and Reserve Corps. Such APPBs will consist of three or more officers at the rank/grade of Director/(O-6) and a majority of the members will be appointed to the Regular Corps. Insofar as it is practicable, the majority of APPB members will be of the same category or group as the officers to be examined for promotion.
3. The SG shall make every effort to ensure that the selection process for APPB members complies with the Department's rules, regulations, and policies against discrimination in the workplace. In addition, every effort will be made to ensure that APPB membership is as representative as possible with respect to Agency/Operating Division (OPDIV) and field representation.
4. Each APPB will commence with the SG, or his/her designee, administering an oath of office to each member that will address issues such as the requirement to recuse oneself if there is a conflict of interest and the need for confidentiality.
5. APPB members will be appointed via an official personnel order for inclusion in the officer's OPF.
6. When an APPB is convened, the senior officer of the APPB shall be designated as the "Chairperson." The Chairperson's duties consist of:
 - a. Calling the APPB to order;
 - b. Governing the general conduct of the APPB; and
 - c. Overseeing the duties of the Executive Secretary.
7. The SG, or his/her designee, shall assign a non-voting Executive Secretary to each APPB that is convened. The Executive Secretary's duties shall consist of:
 - a. Preparing the APPB's recommendation(s) for submission through the SG to the ASH for approval; and
 - b. Performing other board-related duties as required by the Chairperson or the SG or his/her designee.
8. Subject to the provisions of the Privacy Act, all APPB members are bound to hold in confidence all information concerning officers being examined by the APPB, including:
 - a. Deliberations and recommendations of the APPB;
 - b. Comments by any APPB member;
 - c. Discussions with officers called as consultants to the APPB; and

- d. Evaluations and votes made by APPB members.
9. All recommendations by an APPB shall be based on a majority of votes of the APPB members. All members of the APPB shall have equal voting rights.

Section H. APPB Operational Policy and Procedures

1. No officer may serve as a member of an APPB for the same category or group more frequently than one time every 3 years.
2. APPBs are appointed for each category or group and make recommendations for or against permanent promotion to the next higher grade. APPB members score eligible officers individually by comparing the information available to the APPB on each officer with the applicable precepts and benchmarks. Thereafter, the members' scores for each officer are averaged, and the officers for each permanent grade and category or group are ranked according to their scores.
3. For purposes of making recommendations regarding permanent promotion, APPBs review documentation maintained in an officer's electronic OPF and do not review information maintained separately in an officer's adverse actions, medical, or compensation files.
4. After the APPB has finalized its recommendations and ranking for each category and group, the results are submitted through the SG to the ASH for final approval (subject to the President's nomination and Senate confirmation for Regular Corps officers).

Section I. Permanent Promotion Roster and Promotion Approval

1. Permanent promotions to the Full grade (O-4), Senior grade (O-5), and Director grade (O-6), will depend on the needs and requirements of the PHS Commissioned Corps as determined by the SG in accordance with guidelines set by the ASH. Promotions to these grades are competitive and made from the permanent promotion rosters based on: vacancies in grade and/or force requirement projections in each category or group; numbers limitations; standing of officer on the ranked order lists prepared by the APPB; and any other relevant information such as reports of security violations, misconduct, marginal performance, and mental or physical disability. Each roster will include the names of all officers examined for permanent promotion. In cases of identical scores, APPBs shall use the following order of precedence to establish an officer's placement on the promotion roster:
 - a. The Regular Corps officer has relative standing over the Reserve Corps officer;
 - b. The officer with the earlier seniority credit date has relative standing over the officer with a more recent credit date;
 - c. The officer with more years of active service in the PHS Commissioned Corps has relative standing over the officer with fewer years of such service; and
 - d. The officer with more years of active service at any rank in the Uniformed Services has relative standing over the officer with fewer years of such service.
2. Officers are listed in rank order as recommended by the APPB through the SG and approved by the ASH for each respective category or group. Permanent promotions will

be effective following approval by the ASH on July 1 of the promotion year or on the date of eligibility, whichever is later

Note: Regular Corps permanent grade promotions are effective only upon Senate confirmation.

3. The SG will ensure that the final approval list for permanent promotions is complete after eliminating any officer from the approval list:
 - a. Who has not met the licensure requirement(s) (See Subchapter CC26.1, INSTRUCTION 4);
 - b. Who has not met and maintained the basic level of readiness (this requirement does not apply to the 2004 promotion year (See Subchapter CC26.1, INSTRUCTION 8);
 - c. Whose most recent COER is either missing or unsatisfactory;
 - d. Who has any outstanding adverse action(s). However, if allegations of misconduct or substandard performance are brought to the attention of the SG before the close of the promotion year, and the officer is otherwise eligible for permanent promotion, the SG may suspend the elimination process for a period not to exceed 180 days to allow sufficient time for the adjudication of the allegations, at which time, the SG will make a determination regarding the officer's promotion status, or;
 - e. Who, based on additional information available to the SG is found either not qualified or not suitable for promotion to the next higher grade.
4. At the close of each promotion year, the ASH will direct:
 - a. The SG to prepare and issue orders, approved and signed by the ASH, that effect the promotions of those officers who will be promoted during the period of July 1 through June 30 of the following year based on the vacancies in grade and/or force requirement projections at that time; and
 - b. The SG will inform those officers who were examined for permanent promotion, but not recommended for such promotion.

Section J. Failure to be Recommended for Permanent Promotion

The regulatory provisions dealing with the conditions under which administrative review and action will be taken when officers are considered and not recommended for permanent promotion are set forth in Subchapter CC23.4, INSTRUCTION 5, "Failure of Permanent Promotion," (See also Subchapter CC43.4, INSTRUCTION 1, "Promotion of Commissioned Officers in the Public Health Service.")

Section K. Cross References

1. Subchapter CC43.4, INSTRUCTION 1, "Promotion of Commissioned Officers in the Public Health Service."
2. Subchapter CC45.2, INSTRUCTION 3, "Assignment of PHS Commissioned Officers to the USUHS."

3. Subchapter CC23.3, INSTRUCTION 4, "Appointment Standards and Appointment Boards."
4. Subchapter CC23.4, INSTRUCTION 2, "Temporary Grade Promotions."
5. Subchapter CC23.4, INSTRUCTION 5, "Failure of Permanent Promotion."
6. Subchapter CC23.4, INSTRUCTION 7, "Flag Officer Selection and Assignment."
7. Subchapter CC23.5, INSTRUCTION 9, "Short Tours of Active Duty- Inactive Reserve Corps."
8. Subchapter CC25.2, INSTRUCTION 4, "Junior Commissioned Officer Student Training and Extern Program (COSTEP)."
9. Subchapter CC25.2, INSTRUCTION 5, "Senior Commissioned Officer Student Training and Extern Program (Senior COSTEP)."
10. Subchapter CC26.1, INSTRUCTION 4, "Professional License/Certification/Registration/ Requirements for Commissioned Officers in the Public Health Service."
11. Subchapter CC26.1, INSTRUCTION 8, "PHS Readiness Standards."

Section L. Historical Notes

1. PHS Transmittal 611 dated June 10, 1997. Revision of Subchapter CC23.4, INSTRUCTION 1, "Permanent Promotion Program," which provided the polices and procedures governing the permanent grade promotion program that have been superseded by this INSTRUCTION.
2. PHS Transmittal 239 dated August 10, 1977. Revision of Subchapter CC23.4, INSTRUCTION 1, "Permanent Promotion Program," to eliminate references to temporary promotion and promotion boards.

Section M. Privacy Act Provisions

Personnel records are subject to the Privacy Act of 1974. The applicable systems of records are 09-40-0001, "PHS Commissioned Corps General Personnel Records," HHS/PSC/HRS, and 09-40-0003, "PHS Commissioned Corps Board Proceedings," HHS/PCS/HRS.