

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Public Health Service

Chapter CC23--Staffing  
Subchapter CC23.4--Promotion  
Personnel INSTRUCTION 3--Exceptional Capability Promotion

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Section A. Purpose and Scope

This INSTRUCTION sets forth the policy and procedures for recommending a Public Health Service (PHS) commissioned officer for an exceptional capability (EC) temporary promotion based on possession of unusual levels of training and/or professional experience of particular value to PHS, or demonstration of exceptional capability in carrying out the mission of PHS. The EC process is specifically not intended as a reward for diligent or even exemplary service. The honor award system is the appropriate recognition for such service. See Subchapter CC27.1, of this manual for information about the honor award system.

Section B. Authority

1. The statutory authority for a temporary promotion for exceptional capability is set forth in Section 210 of the PHS Act (42 U.S.C. 211).
2. Regulations relating to promotions are set forth in INSTRUCTION 1, Subchapter CC43.4, of this manual.

Section C. General

1. Pursuant to INSTRUCTION 2, Subchapter CC23.4, "Temporary Promotion," of this manual, a "temporary promotion" is defined as a promotion to any grade earlier than the date on which the officer would meet the eligibility requirements under the permanent promotion criteria established by 42 U.S.C. 211(d). Under 42 U.S.C. 211 (k) and (l), a temporary promotion may be terminated at any time. PHS commissioned officers who possess and demonstrate exceptional capability, as described in Section A, above, may be nominated for temporary EC promotion by the Assistant Secretary for Health (ASH) or his/her designee, PHS Agency Heads, and Directors of non-PHS agencies to which officers may be detailed (e.g., Bureau of Prisons, Environmental Protection Agency, Health Care Financing Administration, and U.S. Coast Guard). Nominations from lower level officials will not be processed.
2. Nominations for EC promotions may be made only if (1) the officer is not otherwise eligible for consideration in the current year based on training and experience and (2) has been on continuous active duty for at least one year.
3. Officers who are recommended for EC promotion under the provisions of this INSTRUCTION will be considered and evaluated by a special EC promotion board.
4. Each nominee will be reviewed initially by his or her professional category's promotion board (i.e., Dental, Nurse, etc.). Each board will produce an advisory priority order list of those EC nominees from that board's category.
5. If ASH or his/her designee, an Agency Head, or the Director of a non-PHS agency to which an officer is detailed submits more than one nomination, a priority-order list shall be provided to the Division of Commissioned Personnel (DCP), Office of the Surgeon General.

Section D. Exceptional Capability Promotion Boards

1. General
  - a. Two special EC promotion boards will be convened annually, one to consider the medical category nominees only and the other to consider nominees from all other categories.
  - b. The Surgeon General (SG) will review each priority-order list submitted by the EC Boards and will make the final decision on officers to be promoted. (See E.2.d. below.) The number of officers promoted is based on the number of vacancies in grades.

2. Board Members

- a. SG will select Board members from lists submitted by Agency Heads and the ASH or his/her designee.
- b. Each Board's membership shall include:
  - (1) Five to seven members;
  - (2) At least two members who are permanently assigned to stations outside the Washington, D.C. metropolitan area; and
  - (3) Individuals who are flag grade officers or Senior Executive Service employees of PHS.

Moreover, SG will make every effort to assure that the Board does not consist entirely of men or women or entirely of individuals of one race, but no Board member will be selected on the basis of gender or race.

Section E. Procedures

1. Nominating Official

- a. Recommendations for EC promotions shall be submitted in memorandum form to the Director, DCP, by ASH or his/her designee, PHS by Agency Heads, and Directors of non-PHS agencies to which officers may be detailed. An original and eight copies are required. The nomination memorandum shall not exceed three pages. Prior to submission of nomination packages, attention should be given by recommending officials to quality control assuring that the nominations are well written, substantive, and conform to all requirements set forth in this INSTRUCTION.
- b. Included in the nomination package recommending EC promotion shall be statements which stress specific accomplishments and identify the evidence of:
  - (1) The officer's unusual level of professional training or experience which is of particular value to PHS;
  - (2) The kind of superior ability which the officer has demonstrated in his/her present grade; and
  - (3) A statement that the officer's current billet has a rating at or above the grade of the proposed promotion.

- c. Since the nominee's Commissioned Officer Effectiveness Report (COER) data, summary billet score, and Officer Information Summary (OIS) are available to the boards, a new COER, a current billet, and a curriculum vitae (c.v.) are not required to be submitted in the nomination package.
- d. Nomination packages received in DCP without the information indicated above will be returned without action.
- e. The nominating agency will notify the officer that he/she has been nominated for an EC promotion in order for that officer to have the opportunity to make certain that his/her records are in order. An officer's records should include an annual COER for each of the last five years, a current c.v., record of approved awards and letters of commendation received, and a personnel order that reflects the officer's current duty station and his/her current job title.

2. EC Promotion Board

Promotion boards are charged with:

- a. Considering the advisory rankings of the nominees submitted by ASH or his/her designee, PHS Agency Heads, Directors of non-PHS agencies, and professional category promotion boards;
- b. Considering only documented information which is part of the officer's official personnel folder (OPF), the nomination package, and the OIS;
- c. Independently reviewing and scoring nominees by grade; and
- d. Making recommendations for promotion by priority order to SG.

3. DCP

- a. Agencies will be notified by DCP six months in advance of the time that nominations will be called for.
- b. The following information on each nominee will be provided by DCP to the EC Promotion Board:
  - (1) OPF:
  - (2) Agency priority-order;
  - (3) Category board priority-order; and
  - (4) OIS.

- c. The nominating official shall be notified by memorandum of the final action taken with respect to nominations for EC promotions. A copy of the memorandum shall be placed in the officer's OPF.
- d. When action results in favorable consideration, such promotions shall be effective no earlier than a date specified by SG. A personnel order will be issued to reflect the approved promotion.

Section F. Privacy Act Provisions

Personnel records are subject to the Privacy Act of 1974. The applicable systems of records are 09-37-0002, "PHS Commissioned Corps Personnel Records, HHS/OASH/OSG", and 09-37-0005, "PHS Commissioned Corps Board Proceedings, HHS/OASH/OSG."