

MANUAL: Personnel
Chapter Series CC--Commissioned Corps Personnel Manual
Part 2--Commissioned Corps Personnel Administration

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Chapter--Staffing
Subchapter CC23.6--Personnel Actions
Personnel INSTRUCTION 1--Research Officer Group

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Section A. Purpose and Scope

This INSTRUCTION establishes the policy and prescribes procedures under which individuals may be assigned to the Research Officer Group (ROG) established within the Public Health Service (PHS) Commissioned Corps.

Section B. Authority

1. The authority to administer the PHS Commissioned Corps is prescribed in Section 215 of the PHS Act (42 U.S.C. 216). The authority for daily administration of the PHS Commissioned Corps has been delegated to the Director, Division of Commissioned Personnel (DCP), Human Resources Service, Program Support Center.
2. The statutory authority for appointment of officers into the regular and reserve corps of the PHS Commissioned Corps is contained in Section 203 of the PHS Act (42 U.S.C. 204).
3. Regulations relating to promotions are set forth in the Commissioned Corps Personnel Manual (CCPM), INSTRUCTION 1, Subchapter CC43.4, "Promotion of Commissioned Officers in the Public Health Service."
4. The authority for the placement of officers on limited tours of active duty is set forth in CCPM, INSTRUCTION 8, Subchapter CC23.3, "Limited Tours of Active Duty."

Section C. Policy

1. The conduct of scientific research is an important part of the mission of the PHS Commissioned Corps in supporting the Department of Health and Human Services (HHS) and other governmental agencies in conducting programs to understand and prevent disease and injury. Within the HHS Operating Divisions (OPDIVs), commissioned officers contribute to research that leads to advances in scientific knowledge. Such scientific endeavors require a suitable environment that fosters scientific productivity. ROG has been formed to provide this environment within the PHS Commissioned Corps career system.
2. ROG provides an appropriate career track for doctoral-level individuals engaged in original scientific research. This group is composed of regular corps and reserve corps officers from the various professional categories as specified herein.
3. Assignment to ROG is based on participation as a researcher in a program of original research conducted within an HHS OPDIV. Each OPDIV must have an external scientific peer review system. ROG members may be accorded tenure by OPDIVs as described in item 5., below. Grade promotions in the PHS Commissioned Corps use precepts based primarily on the scientific merit of their original research. The granting of tenure, recommendations for promotion, and all periodic reviews will adhere to the highest standards of scientific research.

4. To be eligible for ROG, an individual must hold a doctoral degree (M.D., D.O., Ph.D., D.Sc., D.D.S., D.V.M., or other equivalent degrees) and be a researcher in a program of original research conducted within an OPDIV.
5. For purposes of this INSTRUCTION, tenure is defined as a status that may be conferred upon a member of ROG by the OPDIV to which the officer is assigned; which distinguishes and chooses members, at an early stage of a research career, whose potential to develop original research has been demonstrated to the OPDIV and determined to be substantial. This determination by which officers are accorded tenure is made exclusively by the OPDIV to which commissioned officers are assigned. The OPDIV will inform the Director, DCP, in writing, when tenure is conferred upon an officer.
6. Officers in ROG, with or without tenure status, are subject to all PHS Commissioned Corps regulations and policies.
7. ROG officers may only be placed on a program-limited tour of duty upon call to active duty (CAD). The total duration of any ROG officer's program-limited tour of duty, including time spent in any ROG designation will not exceed 10 years. The total duration of any ROG officer's program-limited tour of duty into Tenure Track will not exceed 6 years. Active-duty officers who are not currently in ROG will not be placed into a program-limited tour of duty if transferred into ROG.
8. The program-limited tour of duty will be continued for any ROG officer who is sponsored for extramural or intramural training, as a commissioned officer.
9. The "stop-the-clock" provision allowing a civil service tenure track scientist to apply for extended family or sick leave is not applicable to PHS commissioned officers.
10. All ROG designations are determined by the OPDIV to which the candidate/officer is assigned. Movement between designations, while determined by the OPDIV, is only official when announced by official personnel orders issued by DCP.
11. The Comptroller General (CG) has ruled consistently that no personnel order may be amended, cancelled, or revoked retroactively to either increase or decrease vested rights of Government personnel.

Section D. Research Officer Group Designations

1. Clinical/Research Associates. These officers enter at the temporary 0-3 or 0-4 grades into billets graded at the equivalent grades. Clinical/Research Associates are all placed on initial 2-year program-limited tours of duty upon CAD, which can be extended, but will not exceed 10 years.

After 3 years as a Clinical/Research Associate, a decision may be reached within a ROG officer's organizational unit that it is in the best interest of the program and officer for the individual to continue a research career track in the PHS Commissioned Corps. The ROG officer's supervisor must approve the advancement of such officers to the next level, based on reviews at the local level of the officer's research accomplishments, with final approval by the Scientific Director.

Alternatively, it may be determined that for career development, a period of basic laboratory research (not as a Federal Government employee) is required, either at a university or at a non-Federal laboratory. In those cases, a ROG officer may request inactivation for such period of non-Federal training. ROG officers who originally served as Clinical/Research Associates and who inactivate to receive additional research training as a non-Federal employee may be eligible for recall to active duty after their training in a limited tour status. The total duration of any ROG officer's program-limited tour of duty, including time spent in any ROG designation will not exceed 10 years. The total duration of any ROG officer's program-limited tour of duty into Tenure Track will not exceed 6 years.

2. Fellows. These officers have not been approved for tenure track positions. They are traditionally in the temporary 0-4 grade. They remain on program-limited tours of duty which can be extended, but not exceed 10 years, including time spent as a Clinical/Research Associate. Fellows receive specific resources to conduct their research, e.g., space, budget, personnel, etc., but are not given independent control over those resources. Their research progress continues to be evaluated at the local level, i.e., Laboratory/Branch Chief (or equivalent) based on the officer's continued productivity and promise for a productive research career.

During the period of service as a Clinical/Research Associate or Fellow, ROG officers are reviewed internally by the Laboratory/Branch Chief and the Scientific Director. If a tenure track position is available, a search committee is constituted to seek candidates for the position. This process may result in the recommendation of the specific ROG officer under consideration for the tenure track position. Based on the recommendations of the search committee, a selection is made by the Scientific Director. The Deputy Director for Intramural Research (DDIR) approves or rejects the candidate.

3. Tenure Track. Outstanding post-doctoral researchers engaged in clinical or laboratory research, become eligible to enter tenure track positions after completing advanced research experience. This experience should be sufficiently extensive to allow thorough evaluation of an individual's potential as a tenure track officer. These ROG officers have been formally nominated and accepted to become tenure track investigators, having passed through the Clinical/Research Associates and/or Fellows components, and/or with possible additional training received not as a Federal employee. They are traditionally in billets equivalent to the temporary O-4 or O-5 grades, and they continue to serve in program-limited tours which can be extended, but will not exceed 10 years. ROG officers that are designated as tenure track have a written commitment from the OPDIV for certain resources including space, budget, and personnel, with which to conduct research in an independent fashion. (See Exhibit I.)

a. For Direct Appointment to Tenure Track

- (1) Some ROG officers may be CAD and assigned to a tenure track billet directly upon their commissioning. These ROG officers would be placed on program-limited tours of duty not to exceed 6 years. The Scientific Director, with the concurrence of the Institute, Center, or Division (ICD) Director, appoints a search committee to review and recommend the appointment of highly qualified individuals to fill a tenure track position. The Scientific Director and the ICD Director, in consultation with the Laboratory/Branch Chief, select the candidate from those recommended by the search committee. The process of soliciting input and developing recommendations will be reviewed by the DDIR, who then issues final approvals of all appointments into tenure track for the OPDIV.
- (2) The period of time during which an officer may serve in tenure track is limited to a total of 6 years. In such cases, the total duration of any ROG officer's program-limited tour, including time spent as a Clinical/Research Associate, Fellow, and/or Tenure Track will not exceed 10 years.

b. Conversion of Existing Clinical/Research Associates and Fellows

The process for review of ROG officers for tenure includes the review every 3 years by an external peer review group called a Board of Scientific Counselors (BSC). BSCs are charged to provide rigorous external scientific review of intramural research, including its leadership, and the performance of the intramural scientists based on their research accomplishments.

Scientists are reviewed based on a current curriculum vitae and bibliography, recent manuscripts and publications, and details of past accomplishments and ongoing research. Quantities are not delineated, but judgements are based on quality of the scientific merit of the research, the contribution of the ROG officer's work to the laboratory, scientific independence, productivity, leadership, and potential for sustained intellectual growth. The ROG officer's publications, scientific presentations at national and international meetings, and awards are also considered.

c. Tenure Track Agreement

A Tenure Track Agreement (see Exhibit I), cosigned by the Scientific Director, the Laboratory/Branch Chief, and the tenure track candidate, confirms that the specified research program of the tenure track candidate is consistent with the long-term goals of the ICD's intramural research program. The Tenure Track Agreement defines the time line and resources, including space, budget, and personnel that will be allotted to the tenure track officer. These resources must be sufficient to permit the officer to become established as an independent scientist. It is the responsibility of both the Laboratory/Branch Chief and the Scientific Director to ascertain that these resources are assigned equitably and without discrimination based on the officer's gender, race, age, or ethnic background, or any other descriptor. A copy of the completed Tenure Track Agreement must be sent to the DDIR and the Director, DCP, for inclusion in the ROG officer's official personnel folder.

4. Tenure. These ROG officers have been granted tenure by their respective OPDIV. They are traditionally officers with temporary grades of O-5 and above. They occupy billets at the equivalent grades, i.e., O-5 and above. Tenured officers may have highly specialized and uncommon technical expertise or may be investigators with superb, but more general scientific skills and expertise, performing a critical team function.

In addition to review by BSC, there are additional requirements that include a review by a tenure review committee within the ROG officer's ICD, for which outside letters of recommendation are sought, and a final review and recommendation by a central OPDIV-wide tenure review committee. This OPDIV-wide committee consists of senior scientists representing all of the OPDIV ICDs and is chaired by the DDIR.

Final approval of tenure actions is granted by the OPDIV's DDIR. The elements reviewed for tenure consideration are the same as those required for tenure track, but the major review criterion is the demonstration of ability to conduct independent research.

Section E. Appointment

1. Application for appointment into ROG must be initiated by the individual requesting appointment into ROG, either at the time of initial application into the commissioned corps or while on active duty; this request must be supported in writing by the OPDIV to which the officer is assigned.
2. All individuals appointed into ROG must meet the appointment standards as prescribed in CCPM, INSTRUCTION 4, Subchapter CC23.3, "Appointment Standards and Appointment Boards."
3. Individuals newly appointed to the PHS Commissioned Corps will be appointed for limited tours of duty as prescribed in CCPM, INSTRUCTION 8, CC23.3, "Limited Tours of Active Duty." Only newly appointed officers can be placed on limited tours of duty.
4. Assignment to ROG may be granted to officers from permanent and temporary grades O-2 through O-6. Officers in this group are also eligible for temporary promotion to O-7 and higher grades based on authorities governing appointment to those ranks. (See CCPM, INSTRUCTION 7, CC23.4, "Flag Officer Selection and Assignment.")
5. If an applicant has 17 or more years of training and experience credit, a permanent grade O-4 appointment will be considered the initial appointment for officers with OPDIV tenure, although initial appointments of scientific tenured officers may be made at higher grades in exceptional cases, with the concurrence of the OPDIV Head, and with the approval of the Director, DCP.
6. Officers appointed to ROG, with or without tenure, who subsequently wish to change to positions outside of ROG, are subject to all commissioned corps policies relating to reassignment or separation.
7. ROG officers may be assimilated into the regular corps while on a limited tour of duty. See CCPM, INSTRUCTION 7, "Regular Corps Assimilation Program."
8. All individuals must submit documentation of a current unrestricted licensure or approved waiver consistent with the licensure policy which is found in CCPM, INSTRUCTION 4, Subchapter CC26.1, "Professional Licensure/Certification Requirements for Commissioned Officers in the Public Health Service," of this manual. All licensure waivers will expire on December 31, 1999. Officers who are not in compliance with this policy will face involuntary separation from active duty.

Section F. Research Officer Group Advisory Panel

1. Periodically, each OPDIV to which ROG officers will be assigned will submit nominations of scientifically qualified individuals to the Director, DCP, for membership in the ROG Advisory Panel, convened on behalf of the Surgeon General (SG). The ROG Advisory Panel will consist of a minimum of nine members, as follows:

Chairperson (1)
Representing Tenured officers (3)
Representing Tenure Track officers (3)
Representing ROG Fellows (1)
Representing Clinical/Research Associates (1)

The membership of the ROG Advisory Panel will rotate such that one-third of the nine officers representing other ROG officers will be replaced every 3 years. DCP will assign senior officers as advisors and Ex-officio members of the ROG Advisory Panel.

The Director, DCP, 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.

2. The ROG Advisory Panel is charged with recommending to the Director, DCP, the precepts for promotion of ROG members as commissioned officers, (see Section G., below), as well as other personnel and pay issues affecting ROG officers.

Section G. Promotions

1. Promotions of officers in ROG are based primarily on scientific merit and potential. Officers who are eligible for promotion under the provisions of this INSTRUCTION will be considered and evaluated by the procedures described below. They will not be considered or evaluated by the procedures otherwise applicable to non-ROG officers in their category.
2. For officers eligible for temporary promotions through grade O-3, (medical officers through temporary grade O-4), and for permanent promotions through grade O-3, recommendations are forwarded to the sponsoring OPDIV's Scientific Director (or equivalent individual) for review with the Bureau/Institute/Division and/or Center Directors and their Scientific Directors (or equivalent individuals). The OPDIV's Scientific Director (or equivalent individual), acting on behalf of the OPDIV's Head, then considers whether to approve each such recommendation. The promotion recommendations will then be forwarded to the Director, DCP, through the OPDIV Commissioned Corps Liaison.

Medical officers eligible for temporary promotion to the Full Grade (O-4) will be promoted without Promotion Board Review unless there are concerns about their qualifications for such promotion by administrative review of their record prior to the date they attain eligibility. If the officer is to be promoted without Promotion Board Review, the officer's official personnel folder must include a letter of recommendation from the OPDIV Head, a satisfactory Commissioned Officer's Effectiveness Report covering the most recent 6 months, and evidence of a current unrestricted licensure.

3. For officers eligible for temporary promotions to grades O-4 (non-medical), O-5, and O-6, and permanent promotions to grades O-4, O-5, or O-6, recommendations are considered by the individual officer's Bureau/Institute/Division Tenure and Promotion Review Panel (or equivalent), which will solicit necessary opinions regarding scientific productivity and potential. The recommendation of the Promotion Review Panel's will then be reviewed within the OPDIV and forwarded to the Director, DCP, in the form of a cohort assignment.

Section H. Special Pay Implications

1. Medical officers who are designated as Clinical/Research Associates are eligible for Variable Special Pay (VSP) and Board Certified Pay (BCP). However, they are not eligible for any other special pays, including Retention Special Pay (RSP), Medical Retention Bonus (MRB) and Incentive Special Pay (ISP). All ROG officers in the Clinical/Research Associates designation are coded as ROGSTAT "A."
2. Medical officers who are designated Fellows are eligible for selected special pays, including VSP, BCP, RSP, and MRB, but not ISP. All special pay contracts would be subject to the length of the program-limited tours of duty and OPDIV approval. ROG officers serving as Fellows are eligible for a maximum of a 2-year MRB contract. All ROG officers in the Fellows designation are coded as ROGSTAT "F."
3. Medical officers, who are designated as Tenure Track, are eligible for selected special pays, including, VSP, BCP, RSP, and MRB, but not ISP. All special pay contracts would be subject to the length of the program-limited tours of duty and OPDIV approval. Medical ROG officers serving in the Tenure Track designation are eligible for a 2-year, 3-year, or 4-year MRB contract, not to exceed their 10-year ROG-limited tour of duty duration, subject to OPDIV approval. All ROG officers in the Tenure Track designation are coded as ROGSTAT "K."

4. Medical officers who are Tenured are eligible for VSP, BCP, RSP, and ISP, but are not eligible for MRB. Medical ROG officers serving in the Tenured designation are eligible for 1-year RSP and ISP contracts, subject to OPDIV approval. All ROG officers in the Tenured designation are coded as ROGSTAT "T."
5. Non medical ROG officers may be eligible for their own special pays based on the requirements for those special pays.
6. Special pay entitlements shall be based on either the effective date of the order or the date of the personnel order, whichever is later. Orders for retroactive eligibility for special pay will not be authorized.

Section I. Training

Officers in ROG who enter either intramural or extramural short-term or long-term training will remain on their program-limited tours while in such training.

Section J. Retirement

Officers in ROG are eligible to request retirement after 20 years of service as prescribed in CCPM, INSTRUCTION 5, Subchapter CC23.8, "Voluntary Retirement After 20 Years of Service," of this Manual. ROG officers may continue their careers up to 30 years and may be retained in the OPDIV (in the Commissioned Corps or through an alternative personnel mechanism) if they qualify in maintaining their standing through continued high quality research. Evaluation of performance of officers with more than 30 years of service is made by the officer's Scientific Director and recommendations are submitted to the Research Officer Group Advisory Panel, (see Section F., above). The OPDIV's Retirement Review Panel will review each recommendation for retention and rank those it so recommend. The OPDIV's Retirement Review Panel's recommendations and rankings will then be forwarded to the Director, DCP.

Section K. Privacy Act Provisions

Personnel records are subject to the Privacy Act of 1974. The applicable systems of records are 90-07-0002, "PHS Commissioned Corps Personnel Records, HHS/OASH/OSG," and 90-37-0005, "PHS Commissioned Corps Board Proceedings, HHS/OASH/OSG."

EXHIBIT I

Sample Tenure Track Agreement

Dear _____:

The Intramural Research Program of the _____ Institute, National Institutes of Health (NIH), is pleased to offer you a position as a tenure track investigator. This offer signifies that your research program in the Laboratory of _____ is consistent with the research goals and objectives of the _____ Institute and the NIH. Appointment or conversion to a tenure track position also signifies our expectation that within the next 6 years you will develop an independent research program of considerable standing in your field. With the resources described below, you will be expected to manage a research program, develop important presentations and publications on this research, train personnel who work with you, and contribute to the overall research program of NIH. Criteria for evaluation of tenure candidates are listed in the brochure, "The Tenure Track Program of the National Institutes of Health."

Not every scientist who seeks tenure will be granted tenure. But we wish to optimize the likelihood of your success as an independent intramural scientist by making the following resources available to you.

1. _____ square feet of laboratory space, plus access to all common facilities in the Laboratory of _____.
2. Permission to recruit, and responsibility to train _____ postdoctoral personnel supported under the Visiting Fellow, Intramural Research Training Awards or other authorities approved by the Laboratory/Branch Chief and Scientific Director.
3. Technical support provided by _____ staff.
4. An approximate planned budget for services, small equipment, animals, and supplies of \$ _____ per year to be used by members of your research team. In addition, due consideration will be given to your requests for additional equipment items on a startup and yearly basis.

While every effort will be made to provide the stated resources on a continuing basis, circumstances beyond the control of the Scientific Director may necessitate some adjustments. You will be notified in writing, as early as possible of such changes.

The position offered to you is a (full-time/part-time fraction _____) (excepted Civil Service/PHS Commissioned Corps) appointment carrying a salary of \$ _____ per year, with a full range of health and retirement benefits and subject to periodic increases and cost-of-living adjustments based on the personnel system governing your appointment.

We anticipate that with continued outstanding progress in your position, you will be renewed every year after an initial appointment of 2 years, up to a maximum of 6 years. This maximum time will begin on the date of the official personnel action pertaining to your appointment/conversion to the tenure track.

Exhibit I (continued)

Sample Tenure Track Agreement

You will be given an annual evaluation by your (Laboratory/Branch) Chief, and at least every 3 years, you will be evaluated by the Board of Scientific Counselors (BSC). The BSC will recommend that you be continued on the tenure track, dropped from the tenure track, or considered for tenure. The tenure review process is initiated by the (Laboratory/Branch) Chief and Scientific Director, who will request that the Institutes, Centers and Divisions Promotion and Tenure Committee solicit outside letters on your behalf from distinguished scientists and make a recommendation to the Scientific Director. If the Scientific Director agrees to support your conversion to tenure, your tenure nomination will be presented to the Central NIH Tenure Review Committee chaired by the Deputy Director for Intramural Research, who shall make the final decision on tenure. The tenure decision process will take 6 months to 1 year following initiation by your (Laboratory/Branch) Chief.

If you are not considered for tenure, or do not receive tenure, your (Laboratory/Branch) Chief may resubmit your credentials if your allotted (six/____) years has not elapsed, or you may be informed that you will not be tenured at the NIH. Under the latter circumstances, you will be permitted to continue your research program for 1 year while you search for a position outside of the NIH.

We are very pleased to be able to make this commitment of resources to you. Your research is of tremendous interest to our program and we hope to welcome you to the ranks of career-status, independent NIH scientists as you successfully pursue the tasks of your tenure track service. We look forward to your acceptance of this offer and request that you sign and return copies of this form to us within the next 2 weeks.

Sincerely,

Laboratory/Branch Chief

(Optional--Section Head)

(Director, Division of Intramural Research)

ACCEPTED: _____
(Candidate)

(Date)

cc: Deputy Director for Intramural Research