

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service

Chapter CC23--Staffing
Subchapter CC23.8--Retirement
Personnel INSTRUCTION 3--Retirement of an Officer with 30 Years of
Active Service

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Section A. Purpose and Scope

This INSTRUCTION establishes the policies and procedures by which Public Health Service (PHS) commissioned officers will be involuntarily retired or retained on active duty after completion of 30 years of active service.

Section B. Authority

The authority to retire a PHS commissioned officer after completion of 30 years of active service without consent of the officer concerned is contained in Section 211(a)(2) of the PHS Act (42 U.S.C. 212(a)(2)). PHS regulations relating

to involuntary retirement are published in INSTRUCTION 1, Subchapter CC43.8, "Retirement of PHS Commissioned Officers," of this manual.^{1/}

Section C. Policy

1. The commissioned corps personnel system and its benefits, including pay and retirement, are structured around completion of a 30-year career. An officer with 30 years of active service has maximized his/her retirement benefits and does not required approval to retire.
2. An officer will be involuntarily retired on the first day of the month following the anniversary of the officer's 30 years of service unless the officer has already requested voluntary retirement to be effective on or before that date, or is approved for retention in accordance with this INSTRUCTION.
3. A medical or dental officer whose special pay contract is terminated under the provisions of this INSTRUCTION will be required to repay a pro-rata portion of his/her last annual special pay payment. See INSTRUCTION 2 and 3, Subchapter CC22.2, of this manual.
4. The Assistant Secretary for Health (ASH) or an Agency Head may request a waiver of an involuntary retirement and apply for retention on active duty for up to 15 percent of the officers under his/her jurisdiction who are scheduled for 30-year retirement in the next calendar year. For the purposes of this INSTRUCTION, an Agency Head shall have jurisdiction over an officer administratively assigned to the agency and ASH shall have jurisdiction over all other officer; i.e., those officers administratively assigned to the Officer of the Secretary, Office of the Assistant Secretary for Health, PHS regional Offices, Health Care Financing Administration, or the Environmental Protection Agency.
5. If approved for retention on active duty by the SG, an officer may only remain on active duty for one year form the anniversary of his/her 30 years of active service unless subsequently approved for additional retention as outlined in this INSTRUCTION.

SECTION D. Years of Active Service

1. For purposes of this INSTRUCTION, "Years of Active Service" are computed by adding :

^{1/} These regulations currently pertain only to regular corps officers. However, since reserve corps officers were transferred to the commissioned corps retirement system on July 1, 1960, reserve corps

officers on active duty shall be subject to the same involuntary retirement provisions as are applicable to regular corps officers.

- a. all active service in any of the uniformed service;
- b. Employment with PHS, other than as a PHS commissioned officer, which is determined to be comparable to service performed by a PHS commissioned officer, except that, if there are more than five years of such service, only the last five years thereof may be included; and
- c. All other active service which is creditable for retirement purposes under the laws governing the retirement of any of the uniformed services.

Section E. Notifications and Requests
for Retention Beyond 30 Years

1. The Director, Division of Commissioned Personnel (DC), Office of the Surgeon General, will notify the officer in writing approximately eight months prior to the anniversary of his/her 30 years of active service that retirement is expected within the established timeframe as discussed in Section C.2. above. The officer shall submit his/her Form PHS-1373, "Separation of Commissioned Officer," at least 30 days prior to the last day he/she is physically present at his/her duty station. For information on the completion and submission of Form PHS-1373, see INSTRUCTION 3, Subchapter CC23.6, of this manual.
2. The Director, DC, will notify ASH and Agency Heads of the officers, as defined in Section C.4, attaining 30 years of active service during the next calendar year or who are currently being retained beyond 30 years of active service. ASH and Agency Heads may request the retention on active duty for up to 15 percent of these officers under their respective jurisdictions. Such requests should be based on documented programmatic need.
3. ASH and Agency Heads shall submit a memorandum to the Director, DC, no later than June 1 listing the names(s) of those officers supported for retention beyond 30 years and the rationale for each retention request.

Section F. Action Taken

1. Upon receipt of ASH's and Agency Heads' recommendations for retention, the Director, DC, shall ensure that the 15 percent ceiling has not been exceeded, review each recommended officer's entire official personnel record, prepare any additional comments which may be required, and submit

the recommendations through the Commissioned Corps Retirement Board to the SG for approval.

2. An officer involuntarily retired shall be retired in accordance with Section C.2, above.
3. An officer approved by the SG for retention shall be retained for one year from the anniversary of the officer's 30 years of service, unless subsequent retention is requested and approved by the SG, as prescribed in Section E.

Section G. Privacy Act Provisions

Personnel records are subject to the Privacy Act of 1974. Commissioned Corps Personnel Manual, Instruction 7, Subchapter CC26.1, "Rights, Responsibilities, and Personnel Records of the PHS Officers Under the Privacy Act," sets forth the procedures to be followed in the maintenance of these records. The applicable systems of records are 09-37-0002, "PHS Commissioned Corps General Personnel Records, HHS/OASH/OM."