



EFFECTIVE DATE: **CC23.4.2**
19 December 2006

By Order of the Assistant Secretary for Health:

ADM John O. Agwunobi

SUBJECT: Temporary Promotions

1. **PURPOSE:** This Instruction sets forth the policies and procedures governing the temporary grade promotion program for Regular and Reserve Corps officers in the Commissioned Corps of the Public Health Service (Corps).
2. **APPLICABILITY:** This Instruction applies to Regular and Reserve Corps officers serving on extended active duty with the following exceptions:
 - 2-1. Officers in the Inactive Reserve Corps (IRC) (See [CC23.5.9](#), "Short Tours of Active Duty");
 - 2-2. Officers called to active duty for short or intermittent tours as defined in CC23.5.9;
 - 2-3. Officers appointed under the Junior or Senior Commissioned Officer Student Training and Extern Programs (See [CC25.2.4](#), "Junior Commissioned Officer Student Training and Extern Program," and [CC25.2.5](#), "Senior Commissioned Officer Student Training and Extern Program," respectively);
 - 2-4. Officers assigned to the Uniformed Services University of the Health Sciences (USUHS) who are attending USUHS in order to obtain their qualifying degree ([CC45.2.3](#), "University of the Health Sciences");
 - 2-5. Officers being examined for promotion to the Assistant Surgeon General grades (O-7 and above) (See [CC23.4.7](#), "Flag Officer Selection and Assignment"); and
 - 2-6. Officers being examined for special circumstances promotions.
3. **AUTHORITY:**
 - 3-1. Section 209 of Public Health Service (PHS) Act ([42 USC 210b](#)).
 - 3-2. Section 210 of the PHS Act ([42 USC 211](#)).
 - 3-3. Section 215 of the PHS Act ([42 USC 216](#)).
 - 3-4. [Executive Order 11140](#) dated 30 January 1964.

- 3-5. [Reorganization Plan 3](#) of 25 June 1966.
- 3-6. [CC43.4.1](#), "Promotions."
- 3-7. On 24 July 2003, the Secretary of Health and Human Services (HHS or Department) has delegated the authorities that are necessary to administer the Corps to the Assistant Secretary for Health (ASH) or his/her designee including the authority to make or terminate temporary promotions of Regular or Reserve Corps officers.
- 3-8. Statements of Organizations, Functions, and Delegations of Authorities, [68 FR 70507](#), dated 18 December 2003.
4. PROPONENT: The proponent of this Instruction is the ASH.
5. SUMMARY OF REVISIONS AND UPDATES: This is the first issuance of this Instruction within the electronic Commissioned Corps Issuance System (eCCIS) and replaces Commissioned Corps Personnel Manual (CCPM) CC23.4.2, dated 18 December 2003. This issuance replaces the information from the previous Instruction of the CCPM, and creates a stand alone Instruction within the eCCIS.
 - 5-1. This Instruction revises the prior temporary promotion policy that required an officer to be retained or "frozen" in their temporary grade based on a fixed number of unsuccessful attempts for a temporary grade promotion for the remainder of his/her career. This provision has been replaced with a more targeted approach that identifies low scoring officers who may benefit from career counseling, with the aim of improving their competitiveness in future promotion cycles. It will also identify officers who have demonstrated repeated poor performance in three successive promotion cycles. These officers will be referred to a Retention Review Board.
 - 5-2. In addition, an officer who is examined by an Annual Temporary Promotion Board (ATPB) who fails to meet force readiness standards for the Corps will receive an automatic "not recommend" by the ATPB. Officers "not recommended" for promotion will be referred to a Retention Review Board.

6. POLICY:

6-1. Temporary Promotion Eligibility Criteria. The Surgeon General (SG) of the U.S. Public Health Service establishes which officers are eligible for temporary promotion examination based on criteria established by the ASH or his/her designee. The current eligibility criteria for temporary promotion are set forth in this section (see also Appendix A) and include an officer's:

- a. Years of Training and Experience Date (TED) credit established at the time of appointment in accordance with [CC23.3.4](#), "Appointment Standards and Boards;"
- b. Total time in active duty service as a commissioned officer; and
- c. Total time in grade that an officer has served on active duty during an officer's current tour with the Corps.

6-2. Noncompetitive Temporary Promotions.

- a. Officers who are eligible for temporary promotion to the Assistant (O-2) and Senior Assistant (O-3) grades or medical officers eligible for temporary promotion to the Full grade (O-4), may be promoted on the first day of the month following the date upon which the officer attains eligibility for promotion provided:
 - (1) All required Commissioned Officers' Effectiveness Reports (COERs) are in the officer's electronic Official Personnel Folder (eOPF);
 - (2) The officer is in compliance with the licensure requirements listed in [CC26.1.4](#), "Professional Licensure /Certification;"
 - (3) The officer meets the force readiness standards for the Corps; (See [CC26.1.8](#), "PHS Readiness Standards"), and any other requirements as identified by the ASH;
 - (4) For medical officers, a letter of recommendation to the SG from the officer's HHS Operating Division (OPDIV)/Staff Division (STAFFDIV) Head or from the Head of the non-HHS organization to which the officer is assigned is received; and
 - (5) There are no current or pending adverse or disciplinary actions.
- b. If prior to the effective date of the temporary promotion, the SG determines that a category or group board should review the qualifications for promotion of an officer listed in Subsection 6-2.a., the officer's records will be forwarded to the next ATPB for evaluation. If the ATPB recommends that the officer be promoted, that recommendation is submitted to the SG who forwards it to the ASH for approval. Upon approval by the ASH, the effective date of the promotion will be first day of the promotion year, or the first day of the month following the officer's date of eligibility, whichever is later.

6-3. Competitive Temporary Promotion Policy.

- a. ATPBs will assess the qualifications of the following:
 - (1) All officers, other than medical officers eligible for the Full grade (O-4), who meet the eligibility requirements for temporary promotion to the Full

grade (O-4), Senior grade (O-5), and Director grade (O-6), as set forth in Subsection 6-1.;

- (2) Officers eligible for temporary promotion to the Assistant grade (O-2), Senior Assistant grade (O-3), and medical officers who are eligible for temporary promotion to the Full grade (O-4), but are referred to an ATPB by the SG pursuant to Subsection 6-2.b.;
 - (3) Officers referred to an ATPB 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;
 - (4) Officers referred to an ATPB by the SG to remedy an administrative error in the promotion process;
 - (5) Officers nominated for a special circumstances promotion upon a call to active duty; and
 - (6) Officers nominated for an Exceptional Proficiency Promotion (EPP).
- b. ATPBs measure the capabilities and performances of officers for promotion to the next higher temporary grade using the documentation in each officer's eOPF. Scoring by the ATPBs is based on the precepts listed in this Section and guidance in the form of category-specific benchmarks, which serve as professional guidelines to assist officers and the ATPB. The precepts and the category-specific benchmarks are announced annually. The precepts will include at least the following factors:
- (1) Performance rating and reviewing official statement;
 - (2) Education, training, and professional development (professional qualifications);
 - (3) Career progression and potential;
 - (4) Professional contributions and service to the Corps; and
 - (5) Force readiness.
- c. An officer who is examined by an ATPB (including examination for EPP), but does not receive a temporary promotion to the next higher grade, will continue to be eligible for examination for temporary promotion during the next promotion cycle for which the officer is eligible unless:
- (1) The officer has been reviewed by an ATPB and scored in the bottom decile for his/her category and grade for 3 consecutive years;
- Note: When less than a total of 10 officers are being considered for temporary grade promotion by an ATPB for any category and grade, the officer with the lowest score will be deemed as being in the bottom decile.
- (2) The officer fails to meet the force readiness standards for the Corps. If an officer has an approved waiver in place, he/she must meet all other force readiness requirements except for the waived requirement. Failure

to meet the force readiness standards for the Corps will result in an automatic "not recommend" by the ATPB; or

(3) The officer receives a "not recommend" for promotion by an ATPB.

- d. Officers who are in the bottom decile for 3 consecutive years pursuant to Subsection 6-3.c.(1) and officers who receive a "not recommend" by an ATPB pursuant to Subsections 6-3.c.(2) and (3) will be referred to a Retention Review Board and/or an appropriate disciplinary board. The requirement for referral to a Retention Review Board is effective as of the date of this Instruction and applies to officers who have been considered by an ATPB for temporary grade promotion since the temporary grade promotion policy was revised and the "3 and freeze" policy was introduced on 18 December 2003.

Note: A Retention Review Board may recommend that an officer who becomes ineligible for examination for temporary promotion pursuant to Subsection 6-3.c. may continue to be considered for temporary grade promotion by future ATPBs. The final decision as to temporary grade promotion eligibility resides with the ASH, in consultation with the SG.

6-4. Career Counseling.

- a. Each officer has an ongoing responsibility throughout his/her career to regularly seek appropriate career counseling from, among others, his/her mentor, supervisor, Professional Advisory Committee, Commissioned Corps Liaison, and/or Chief Professional Officer (CPO).
- b. An officer who scores in the bottom quartile for his/her category and grade in any promotion year and is not selected for promotion is required to engage in career counseling with his/her supervisor. A report of the career counseling session(s) will be submitted as part of the annual COER. This report will be filed in the confidential section of the eOPF. At the same time of the initiation of the annual COER, the officer will provide a copy of the report of career counseling to the CPO of the officer's respective category for category-specific career counseling. This counseling will address the strengths and weaknesses of the officer for future promotion consideration, including performance concerns and/or advice for improvement of performance if appropriate, as the CPO deems necessary. Additional counseling through other sources such as the Office of Commissioned Corps Operations (OCCO) may be required.
- c. An officer may be referred to an Involuntary Termination Board, Retention Review Board, and/or Involuntary Retirement Board for separation from extended active duty and/or termination of an officer's commission without having received career counseling.

6-5. Temporary Promotion Roster and Promotion Approval.

- a. Temporary promotions to the Full grade (O-4), except for medical officers eligible for temporary promotions to the Full grade, and in the case of all categories, temporary grade promotion to the Senior grade (O-5), and Director grade (O-6), will depend on the requirements of the Corps. Temporary promotions to these grades are competitive and are made from the promotion rosters on the basis of vacancies in grade and/or force requirement projections in each category or group. Each roster will include the names of all officers examined for temporary promotion. In cases of identical scores, ATPBs will use the following order of precedence to establish an officer's placement on the promotion roster:

- (1) The Regular Corps officer has relative standing over the Reserve Corps officer;
 - (2) The officer with a higher permanent grade has relative standing over the officer in a lower permanent grade;
 - (3) The officer with the earlier seniority credit date has relative standing over the officer with a more recent seniority credit date;
 - (4) The officer with more years of active service in the Corps has relative standing over the officer with fewer years of such service; and
 - (5) 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.
- b. Officers are listed in rank order as recommended by the ATPB, through the SG, and approved by the ASH or his/her designee for each respective category or group. Temporary promotions will be effective following approval by the ASH. No promotion will be effective earlier than the first day of the promotion year. Officers are promoted on the first day of the month following the date upon which the officer attains eligibility for promotion.
- 6-6. Retention of Temporary Promotion Upon Appointment in the Regular Corps. Reserve Corps officers who are appointed in the Regular Corps to any grade will retain any temporary promotion to any higher grade which they then hold, or for which they have been recommended by an ATPB and approved by the ASH or his/her designee.
- 6-7. Revocation of Temporary Promotions.
- a. If an officer twice fails to be recommended by a promotion board for permanent promotion and the ASH or his/her designee concurs with the board's recommendation not to promote, the temporary promotion will be revoked. Once revoked, the officer will serve in his/her permanent grade (See [CC23.4.5](#), "Failure of Permanent Promotion").
 - b. The ASH or his/her designee may revoke an officer's temporary promotion based on the recommendation of:
 - (1) An Involuntary Termination Board, Involuntary Retirement Board, and/or a Retention Review Board; or
 - (2) A specially convened Temporary Promotion Revocation Board (TPRB).
 - c. The membership criteria and procedures for the TPRB are set forth in Subsection 8-3. A TPRB may be appointed and convened by the SG to make recommendations about whether an officer should retain a temporary promotion based upon evidence that the officer:
 - (1) Has performance that has deteriorated to an unsatisfactory level;
 - (2) Has engaged in misconduct;
 - (3) Is functioning at more than one grade below his/her temporary grade;

- (4) Rated in the bottom decile for his/her category and grade based on the results of the officer's last temporary grade promotion review by an ATPB or is consistently low rank order promotion scored as defined in Subsection 6-3.;
 - (5) Has failed to respond to progressive counseling and/or discipline; or
 - (6) Has failed to meet or maintain force readiness standards, licensure requirements, and/or any other requirements set by the Corps.
- d. Temporary grade revocations will be effective as of the date the ASH or his/her designee approves an ATPB's recommendation not to promote, or upon approval of another board's recommendation pursuant to Subsection 6-7.b. If the ASH or his/her designee does not concur with the board's recommendation, the officer will continue to serve in his/her temporary grade.
- e. If an officer's temporary promotion grade is revoked, the revocation will remain in effect for a minimum duration of 1 year prior to the officer being considered for promotion. Thereafter, when the officer meets the time in service, time in grade, and TED credit requirements of Subsection 6-1., for a temporary grade, the officer's record will again be examined by an ATPB. The time in grade requirement begins on the date of the revocation (i.e., time previously served at that grade is not counted towards the time in grade requirement).
- 6-8. Exceptional Proficiency Promotion (EPP).
- a. For each temporary grade, an officer may be considered one time by an ATPB for an EPP based on the possession of unusual levels of training and/or professional experience, or unique qualifications required by the Corps. The EPP 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 [CC27.1.1](#), "Awards Program," for information about the honor award system).
 - b. Nominations for EPPs may be made only if the officer meets all of the following:
 - (1) Is not otherwise eligible for examination in the current promotion year based on requirements outlined in Subsection 6-1.;
 - (2) Has held the current temporary grade for at least 1 year as of 1 March of the year in which the officer's record is to be reviewed by an ATPB;
 - (3) Currently is in a billet that has a rating at or above the grade of the proposed promotion;
 - (4) In addition to the requirement of Subsection 6-8.b.(2), officers must meet the time in grade requirements as outlined in Subsection 6-1., of this Instruction; and
 - (5) Is in compliance with the Standards of Conduct, licensure and COER requirements, the readiness standards pursuant to CC26.1.8, "PHS Readiness Standards," and any other Corps requirements.
 - c. Officers may be nominated for an EPP by OPDIV/STAFFDIV Heads and the Heads of non-HHS organizations to which officers may be detailed (e.g., Federal

Bureau of Prisons, Environmental Protection Agency, and U.S. Coast Guard). Nominations from lower level officials will not be processed.

- (1) Each OPDIV/STAFFDIV/non-HHS organization will be limited to nominating not more than 5 percent of the number of officers in their OPDIV/STAFFDIV/non-HHS organization who meet the eligibility requirements for an EPP. Nominations are not limited to a particular category or temporary grade. Each OPDIV/STAFFDIV/non-HHS organization will be authorized at least one nomination regardless of the number of eligible officers they may have.
- (2) The nominating OPDIV/STAFFDIV/non-HHS organization will notify the officer that he/she has been nominated for an EPP in order for that officer to have the opportunity to make certain that his/her record is in order.

- d. Officers who are recommended for an EPP will be reviewed and ranked by the categorical board along with all officers eligible for temporary promotion to the same grade pursuant to Subsection 6-1., using the same precepts in accordance with Subsection 6-3.b. Therefore, information provided to the ATPB will be the same for all officers, regardless of whether they are recommended for an EPP or are eligible for temporary promotion pursuant to Subsection 6-1.
- e. The number of officers promoted is based on the number of vacancies in grades and/or force requirement projections. EPPs will be effective no earlier than a date specified by the ASH or his/her designee. A personnel order will be issued to reflect the approved promotion.
- f. Officers who transfer out of the OPDIV/STAFFDIV/non-HHS organization which nominated the officer for an EPP will be removed from consideration for an EPP unless the new OPDIV/STAFFDIV/non-HHS organization continues to support the nomination and that nomination does not exceed the number established under Subsection 6-8.c.(1).

7. RESPONSIBILITIES:

- 7-1. The ASH is responsible for setting the policies related to promotions.
- 7-2. The SG or his/her designee is responsible for the appointment of Board members for the ATPB.
- 7-3. The Director, OCCO, or his/her designee, advises the SG, implements the policies of the ASH, and manages the promotion board process.

8. PROCEDURES:

- 8-1. Annual Temporary Promotion Board (ATPB) Membership Selection and Procedures.
 - a. At least once each calendar year, the SG will appoint one or more ATPBs for each professional category or group to consider the fitness and qualifications of officers appointed to the Regular and Reserve Corps. Such ATPBs will consist of three or more officers at the rank/grade of Director (O-6). Insofar as it is practicable, the majority of ATPB members will be Regular Corps officers and will be of the same category or group as the officer to be examined for promotion.

- b. The SG will make every effort to ensure that the selection process for ATPB 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 ATPB membership is as representative as possible with respect to OPDIV/STAFFDIV/non-HHS organization and field representation.
- c. Each ATPB 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.
- d. ATPB members will be appointed via an official personnel order for inclusion in the officer's eOPF.
- e. When an ATPB is convened, the senior officer of the ATPB will be designated as the Chairperson. The Chairperson's duties consist of:
 - (1) Calling the ATPB to order;
 - (2) Governing the general conduct of the ATPB; and
 - (3) Overseeing the duties of the Executive Secretary.
- f. The SG or his/her designee will assign a non-voting Executive Secretary to each ATPB that is convened. The Executive Secretary's duties will consist of:
 - (1) Preparing the ATPB's recommendation(s) for submission through the SG to the ASH or his/her designee for approval; and
 - (2) Performing other board-related duties as required by the Chairperson or the SG or his/her designee.
- g. Subject to the provisions of the Privacy Act, all ATPB members are bound to hold in confidence all information concerning officers being examined by the ATPB, including:
 - (1) Deliberations and recommendations of the ATPB;
 - (2) Comments by any ATPB member;
 - (3) Discussions with officers called as consultants to the ATPB; and
 - (4) Evaluations and votes made by ATPB members.
- h. All recommendations by an ATPB will be based on a majority of votes of the ATPB members. All members of the ATPB will have equal voting rights.
- i. No officer may serve as a member of an ATPB for the same category or group more frequently than one time every 3 years.
- j. ATPBs are appointed for each category or group and make recommendations for or against temporary promotion to the next higher grade. ATPB members score eligible officers individually by comparing the information available to the ATPB on each officer with the applicable precepts and benchmarks. The ATPB will develop a rank ordered listing of officers for each temporary grade and category or group based on their scores.

- k. For purposes of making recommendations regarding temporary promotion, ATPBs review documentation maintained in an officer's eOPF and do not review information maintained separately in an officer's adverse actions, medical, or compensation files. Also, the ATPBs do not review or have access to previous promotion boards' deliberations and recommendations.
- l. After the ATPB has finalized its recommendations and ranking for each category and group, the results are submitted through the SG to the ASH for approval.

8-2. Temporary Promotion Approval Process.

- a. After an ATPB has adjourned and submitted the results to the SG, the SG will ensure that the final approval list for temporary promotions is complete after eliminating any officer from the approval list:
 - (1) Who has not met the licensure requirement(s) for his/her discipline and/or category;
 - (2) Who has not met the force readiness standards for the Corps (See CC26.1.8);
 - (3) Whose eOPF is missing an annual COER from the past 5 years or whose most recent COER is unsatisfactory;
 - (4) 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 temporary 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
 - (5) Who, based on additional information available to the SG, is found either not qualified or not suitable for promotion to the next grade.
- b. At the close of each promotion year, the ASH or his/her designee will:
 - (1) Prepare and issue orders that effect the promotions of those officers who will be promoted during the period of the promotion year based on the vacancies in grade and/or force requirement projections at that time; and
 - (2) Post the results of the promotion review on the Commissioned Corps Management Information System (CCMIS) web site (<http://dcp.psc.gov>). Results will include approved success rates, a listing of officers receiving a promotion, and information to assist officers who were examined, but did not receive such promotion (e.g., board score sheets and recommendations, statistical information, quartile/decile information, etc.).

8-3. Temporary Promotion Revocation Board (TPRB) Membership and Procedures.

- a. A TPRB will consist of three or more officers at the rank/grade of Director (O-6). Insofar as it is practicable, the majority of TPRB members will be Regular Corps officers and will be of the same category or group as the officer to be examined for temporary promotion grade revocation. TPRB members will be appointed via an official personnel order for inclusion in the member's eOPF;

- b. The SG will provide the officer being examined by a TPRB with at least 30 days notification before the TPRB is convened and a copy of all documents to be reviewed by the TPRB;
 - c. The TPRB 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;
 - d. The TPRB will review the officer's eOPF, the evidence relating to the officer's performance and/or misconduct as submitted by the officer's OPDIV/STAFFDIV/ non-HHS organization or the SG and any other information submitted by or on behalf of the officer prior to the convening of the TPRB. The officer is not entitled to appear personally before the TPRB, but the TPRB, by majority vote, may elect to grant a request by an officer to appear before the TPRB;
 - e. Based on the evidence presented, the TPRB will make a recommendation to the ASH or his/her designee about whether an officer's temporary promotion should be revoked. If revocation is recommended and the ASH or his/her designee concurs with the TPRB's recommendation, the officer will be reduced one or more temporary promotion grades as recommended by the TPRB. However, the TPRB may not recommend the revocation of the officer's temporary grade below the officer's permanent promotion grade; and
 - f. Notwithstanding Subsection 6-7., an officer's temporary promotion may be terminated by the President or his/her designee pursuant to 42 USC 211(k) and (l).
9. HISTORICAL NOTES: This is the first issuance of this Instruction within the electronic Commissioned Corps Issuance System (eCCIS) and replaces CCPM CC23.4.2 dated 18 December 2003. This issuance replaces the information from the previous Instruction of the CCPM, and creates a stand alone Instruction within the eCCIS.

Appendix

Temporary Promotion Eligibility Criteria

Grade	TED Credit	Time in service requirement (See Notes 1 and 2)	Time in grade requirement during current Corps tour (See Note 3)
O-2	4 years	None	None
O-3	8 years	None	None
O-4	12 years	6 months on current tour as officer in the Commissioned Corps of the U.S. Public Health Service (as of 1 March of the year reviewed by the Annual Temporary Promotion Board (ATPB))	None
O-5	17 years	5 years (2 years must be as officer in the Commissioned Corps of the U.S. Public Health Service)	2 years as O-4
O-6	24 years	9 years (3 years must be as officer in the Commissioned Corps of the U.S. Public Health Service)	3 years as O-5

Notes:

1. Active duty service can be a combination of current and previous tours in the Corps unless otherwise noted in this Instruction.
2. The time in service requirement applies to all officers including both IRC officers recalled to extended active duty and inter-service transfers from another uniformed service.
3. The time in grade requirement applies to all officers including both IRC officers recalled to extended active duty and inter-service transfers from another uniformed service.