



**CC23.8.3**  
**EFFECTIVE DATE: 03 July 2008**

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**By Order of the Assistant Secretary for Health:**

**ADM Joxel Garcia, USPHS**

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SUBJECT: Retirement (30 Years)

1. **PURPOSE:** This Instruction establishes the policies and procedures establishing mandatory retirement for officers of the Commissioned Corps of the U.S. Public Health Service (Corps) who have completed 30 years of active service. This Instruction also establishes the policies and procedures for allowing officers to serve more than 30 years on extended active duty.
2. **APPLICABILITY:** This Instruction applies to Regular and Reserve Corps officers at or below the CAPT/O-6 grade serving on extended active duty. This policy does not apply to flag officers. Flag officer extensions will be approved by the Secretary.
3. **AUTHORITY:** The authority to retire a Corps 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 USC 212](#) (a) (2)). Regulations relating to involuntary retirement are published in Commissioned Corps Directive [CC43.8.1](#), "Retirement of PHS Commissioned Officers."
4. **PROPONENT:** The proponent of this Instruction is the Assistant Secretary for Health (ASH). The responsibility for assuring the day-to-day management of the Corps is the Surgeon General (SG).
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) CC23.8.3, dated 14 May 1987. This issuance replaces the information from the previous INSTRUCTION of the CCPM, and creates a stand alone Instruction within the eCCIS.

## 6. POLICY:

6-1. The Corps officer personnel system and its benefits, including pay and retirement, are structured around completion of a 30-year career. An officer will be retired on the first day of the month following the anniversary of the officer's 30 years of active service unless the officer has already requested voluntary retirement to be effective on or before that date, or is approved for retention beyond 30 years of service in accordance with this Instruction.

6-2. Special pay contracts may be impacted by retirement under this Instruction. Officers are advised to seek further information regarding their special and incentive pay obligations in the eCCIS and in their pay contracts.

6-3. Waiver of mandatory 30-year retirement.

a. Waivers of the requirement that officers must retire upon reaching 30 years of active service shall be based on the recommendation(s) of a retirement extension board. The SG shall convene the board which shall consist of five (5) officers at the CAPT/O-6 grade and above. This board shall produce a recommendation for either the SG or ASH based upon the considerations set forth in Section 8-2.

b. With the exception of the ASH, an Operating Division (OPDIV), Staff Division (STAFFDIV), or non-Department of Health and Human Services (HHS) organization Head or designee may request the SG to waive mandatory retirement at 30 years of active service, and apply for retention on active duty for up to 15 percent of the yearly expected number of 30 year retirements. Such requests should be based on documented programmatic need. For the purposes of this Instruction, an OPDIV/STAFFDIV/non-HHS organization Head shall have jurisdiction over an officer administratively assigned to the OPDIV/STAFFDIV/non-HHS organization. If approved for retention on active duty by the SG, an officer may only remain on active duty for up to, but not more than, 3 years from the anniversary of his/her 30 years of active service unless subsequently approved for additional retention as outlined in this Instruction.

c. Based on programmatic need, the ASH shall grant 30-year retirement waivers for those officers assigned to the Office of the Secretary (OS) or any officer who is Head or Deputy Head of an OPDIV/STAFFDIV or equivalent. The aforementioned 15 percent limit will not constrain the ASH in regard to the number of waivers he/she may authorize. If approved for retention on active duty by the ASH, an officer may only remain on active duty for up to, but not more than, 3 years from the anniversary of his/her 30 years of active service unless subsequently approved for additional retention as outlined in this Instruction. The ASH shall have jurisdiction over all other officers, i.e., those officers administratively assigned to the OS and its subordinate organizations.

6-4. Years of Active Service.

For purposes of this Instruction, "Years of Active Service" are computed by adding:

a. All active service in any of the unformed services;

b. Employment with HHS, other than as a Corps officer, which is determined to be comparable to service performed by a Corps officer, except that, if there are more than 5 years of such service, only the last 5 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.

## 7. RESPONSIBILITIES

- 7-1. The Office of the Surgeon General (OSG) will notify the officer in writing approximately 8 months prior to the anniversary of his/her 30 years of active service that retirement is expected within the established timeframe as discussed in Subsection 6-1. 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.
- 7-2. OSG will notify the ASH and OPDIV/STAFFDIV/non-HHS organization Heads of the officers attaining 30 years of active service during the next calendar year or who are currently being retained beyond 30 years of active service.
- 7-3. The OPDIV/STAFFDIV/non-HHS organization Heads shall submit a memorandum to OSG no later than 1 June listing the name(s) of those officers supported for retention beyond 30 years and the rationale for each retention request.
- 7-4. The SG shall make a determination as to whether officers assigned to organizations other than OS will be extended beyond 30 years of active-duty. The ASH, in consultation with the SG, shall make a determination as to whether officers assigned to the OS, or any officer who is Head or Deputy Head of an OPDIV/STAFFDIV or equivalent, will be extended beyond 30 years of active duty.

## 8. PROCEDURES:

- 8-1. Upon receipt of the OPDIV/STAFFDIV/non-HHS organization Heads' recommendations for retention, OSG shall ensure that no more than 1.5 percent of the active duty strength of the Corps will be retained beyond 30 years of service. In addition, the maximum number of years of active service shall not exceed 36 years, unless approved by the ASH.
- 8-2. Waivers of mandatory retirement for officers with 30 years of active service will be made by the ASH or the SG on a case-by-case basis taking into account the retirement extension board's recommendation, which shall include consideration of:
  - (a) the needs and mission requirement(s) of HHS, the Corps, and the assigned organization;
  - (b) the category and specialty of the officer;
  - (c) the requested length of the extension; and
  - (d) other force management considerations.

Note. For CAPT/O-6 officers, individual waivers shall be granted for a period not to exceed 3 years. For CAPT/O-6 officers beyond the initial waiver period, individual waivers will be made on an annual basis. All extended officers will be reviewed yearly and their performance will be evaluated.

Note. The SG shall issue a Personnel Operations Memorandum establishing the format and requirements for the retirement extension board's recommendation and any additional procedures necessary to administer the board.

- 8-3. An officer who has completed 30 years of active service shall be retired in accordance with Section 6-1 unless granted approval to serve beyond 30 years of service.
- 8-4. An officer approved for a waiver by the ASH or SG for retention shall be retained for up to 3 years from the anniversary of the officer's 30 years of service, unless subsequent retention is requested and approved by the ASH or SG, as prescribed in Section 7.
9. HISTORICAL NOTES: This is the first issuance of this Instruction within the electronic Commissioned Corps Issuance System (eCCIS) and replaces Commissioned Corps Personnel Manual (CCPM) CC23.8.3, dated 14 May 1987. This issuance replaces the information from the previous INSTRUCTION of the CCPM, and creates a stand alone Instruction within the eCCIS.