

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Public Health Service

Chapter CC23--Staffing  
Subchapter CC23.3--Appointment  
Personnel INSTRUCTION 1--Appointment of Civil Service Employees to the Public  
Health Service Commissioned Corps

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Section A. Purpose and Scope

1. This INSTRUCTION sets forth the policies and procedures relating to the appointment and call to active duty in the Public Health Service (PHS) Commissioned Corps of individuals employed by PHS through the civil service personnel system.
2. Additional information concerning policy and procedures governing the amount and type of civil service employment that may be creditable towards commissioned corps retirement eligibility is contained in INSTRUCTION 1, "Types of Retirement and Creditable Service for Retirement Eligibility", Subchapter CC23.8.

Section B. Authority

The authority to administer the PHS Commissioned Corps is prescribed in 42 U.S.C. 216. This authority has been delegated by the Assistant Secretary for Health to the Surgeon General as part of the general authority to administer the PHS Commissioned Corps and is published at 53 Federal Register 5046-5047, dated February 19, 1988. The Surgeon General has delegated the authority for daily administration of the PHS Commissioned Corps to the Director, Division of Commissioned Personnel (DCP), Office of the Surgeon General (OSG).

Section C. Policy

1. Calls to Extended Active Duty

- a. Conversions in place from civil service to the PHS Commissioned Corps (i.e., without geographic or programmatic change), as well as those after 3-years' employment with the PHS civil service, are precluded for civil service employees who were eligible for appointment in the PHS Commissioned Corps at the time of initial civil service employment. A geographic move is one in which the officer will be called to duty at a location that differs from his/her current employment location. A programmatic change is considered to have occurred when the new employing PHS Agency will be different from the current Agency. After 3 years, conversions are precluded because the applicant has progressed from a conditional to career status in the civil service system. They have, at that point, selected their employment system. Requests for an exception to this general policy must be forwarded by the appropriate Agency Head as set forth below.
  
- b. An applicant for conversion from civil service to the PHS Commissioned Corps must meet all of the PHS Commissioned Corps' appointment requirements prior to being offered a PHS commission. Conversion calls to active duty will be processed only after all appointment requirements have been met. This includes the National Agency Check and Inquiries (NACI) security and suitability check performed for PHS by the U.S. Office of Personnel Management.
  
- c. A justification memorandum signed by the Agency Head must be submitted with the Form PHS-1662A, "Request for Personnel Action - Commissioned Officer, Call to Active Duty" when requesting an exception to the general policy. Explanatory memorandums are required for other conversion situations which include conversion of individuals who:
  - (1) Were previously ineligible for a PHS commission by virtue of their profession not being recognized as appropriate for appointment as a commissioned officer, or their not having completed the academic and/or experience requirements to be eligible for a PHS commission; and/or
  - (2) Were employed in other than full-time permanent appointments.
  
- d. The justification memorandum sent to the Director, DCP, must clearly indicate the case-specific reasons that make the conversion in the best interests of that Agency and PHS. When making a determination of the appropriateness of the conversion request, the Director, DCP, will apply established criteria for utilization of the PHS Commissioned Corps. These criteria are:

- (1) The assignment utilizes the professional training of the applicant/officer;
- (2) There is a present and future need to the Service; and
- (3) The appointment is cost-effective in terms of employing the most highly qualified health professional for the expenditure.

The justification memorandum must also indicate that the applicant has been made fully aware of the concepts of mobility, promotion eligibility, and the wearing of the uniform.

The explanatory memorandum must establish that the applicant was not eligible for a PHS commission or was employed in other than a full-time permanent appointment. The memorandum will be acceptable within 6 months of meeting academic eligibility requirements or at the time of conversion from other than a full-time appointment.

- e. Attached to, or included in, the appropriate memorandum must be a pay element/benefit cost comparison of the two personnel systems as applicable to the specific applicant. If there is a significant difference in cost associated with the conversion, this must be specifically acknowledged in the memorandum.
- f. After the appropriate memorandum is signed by the Agency Head it should be submitted to the Director, DCP, at the following address:

Director  
Division of Commissioned Personnel/OSG  
Parklawn Building, Room 4-35  
5600 Fishers Lane  
Rockville, MD 20857-0001

- g. On occasion, it may be necessary to temporarily appoint an applicant to the civil service system in order to meet an Agency's immediate needs until commissioned corps processing is completed. Therefore, the only general exemption to this policy is for civil service appointments occurring after an individual has made application to the PHS Commissioned Corps, where it is clear to DCP that the sole reason for civil service appointment was to expedite the initial placement of the PHS Commissioned Corps applicant into an assignment in the PHS Agency. A justification memorandum is not necessary if the appointment to the civil service position occurred after the commissioned corps application materials were received in the Transactions and Applications Branch, DCP.

2.    Short or Intermittent Tours of Active Duty

- a.    This policy applies only to those applicants who, upon conversion, will be called to active duty for an extended tour. Members of the inactive reserve component are not affected.
  
- b.    However, if an inactive reserve corps officer who is at the time employed as a civil servant, is called to active duty for any period of time, he/she must either give up his/her Federal civil service position or be called to active duty without pay. An inactive reserve corps officer cannot be called to active duty with pay for a short or intermittent tour even if he or she is on leave without pay from a Federal civil service position.    [Comptroller General decision B-147276]

Section D.    Privacy Act Provisions

Personnel records are subject to the Privacy Act of 1974. The applicable system of records is 09-37-0002, "PHS Commissioned Corps General Personnel Records, HHS/OASH/OSG."