

MANUAL: Personnel
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Part 2--Commissioned Corps Personnel Administration

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Chapter CC23--Staffing
Subchapter CC23.4--Promotion
Personnel INSTRUCTION 2--Temporary Grade Promotions

CONTENTS

<u>Section</u>	<u>Subject</u>	<u>Page</u>
A.	Purpose and Scope.....	1
B.	Authority.....	2
C.	Definitions.....	2
D.	Temporary Promotion Criteria.....	3
E.	Promotion Boards.....	3
F.	Policy.....	4
G.	Temporary Promotion Roster and Promotion Approval	6
H.	Retention of Temporary Promotion Upon Appointment in the Regular Corps.....	7
I.	Revocation of Temporary Promotion.....	7
J.	Privacy Act Provisions.....	9

Section A. Purpose and Scope

1. This INSTRUCTION sets forth the temporary grade promotion policy for regular and reserve corps officers of the Commissioned Corps of the Public Health Service (PHS) who are on extended active duty in pay grades below 0-7 (Assistant Surgeon General).

2. For information about the temporary promotion of officers to flag grade (pay grade 0-7 and above), see INSTRUCTION 6, Subchapter CC23.4, "Chief Professional Officer Nomination Criteria and Selection Process," and INSTRUCTION 7, Subchapter CC23.4, "Flag Officer Selection and Assignment," of this manual.
3. For information pertaining to temporary promotions based on exceptional capability, see INSTRUCTION 3, Subchapter CC23.4, "Exceptional Capability Promotion," of this manual.
4. For information pertaining to the grades to which individuals are appointed upon call to active duty, see INSTRUCTION 4, Subchapter 23.3, "Appointment Standards and Appointment Boards," of this manual.
5. This INSTRUCTION does not apply to officers in the inactive reserve corps. See INSTRUCTION 1, Subchapter 23.0, "PHS Inactive Reserve Corps," of this manual.

Section B. Authority

The statutory authority for the temporary promotion of regular corps and reserve corps officers of the PHS Commissioned Corps is set forth in Sections 210(a), (k), and (l) of the PHS Act (42 U.S.C. 211 (a)(k)(1)). Regulations relating to temporary promotion are prescribed in INSTRUCTION 1, Subchapter 43.4, "Promotion of Commissioned Officers in the Public Health Service."

Section C. Definitions

For purpose of this INSTRUCTION, the following definitions apply:

1. Promotion Year: July 1 of a calendar year through June 30 of the following year.
2. Temporary Promotion: A promotion to any grade greater than the permanent grade held by the officer that takes place earlier than the date on which the officer would meet the eligibility requirements under the permanent promotion criteria established by Section 210(d) of the PHS Act.
3. Training and Experience (T&E) Credit: Undergraduate and graduate education, training, and experience that is considered by the DCP to be creditable for the purpose of determining an officer's eligibility for temporary promotion.
4. Extended Active Duty: A call or order to active duty for a period in excess of 120 days.

Section D. Temporary Promotion Criteria

1. As set forth in the table below, officers on extended active duty become eligible for consideration for temporary promotion based on their number of years of T&E credit, and the amount of time on their current tour of active duty as of March 1 of the year in which their record is to be reviewed by a promotion board. An officer's T&E credit is established at the time of appointment to active duty in accordance with the provisions of INSTRUCTION 4, Subchapter CC23.3, of this manual.

<u>Temporary Grade</u>	<u>Years of T&E Required</u>	<u>Amount of Time on Active Duty in Current Tour as of March 1 *</u>
Director (0-6) (CAPT)	24	3 Years
Senior (0-5) (CDR)	17	1 Year
Full (0-4) (LCDR)	12	6 Months
Senior Assistant (0-3) (LT)	8	N/A
Assistant (0-2) (LTJG)	4	N/A

* Officers recalled to extended active duty from the Inactive Reserve are exempt from this time requirement. These officers will be considered by the next regularly scheduled promotion board for which they are eligible subsequent to the most recent Entry on Duty (EOD)/Call to Active Duty (CAD).

2. Officers in the reserve corps on extended active duty who are in one of the following training programs are not eligible for temporary promotion above the Junior Assistant grade (0-1).
 - a. Officers appointed in the Junior or Senior Commissioned Officers Student Training and Extern Program (JRCOSTEP or SRCOSTEP); and
 - b. Medical students assigned to the Uniformed Services University of the Health Sciences (USUHS).

Section E. Promotion Boards

1. Promotion Board members are appointed by the Director, Division of Commissioned Personnel (DCP). A majority of the Board members will be officers of the regular corps. A Board consists of at least five commissioned officers who are, whenever possible, of the same category/group as the candidates. Board members will be at the Director (0-6) grade or above, and at least one Board member will have his/her permanent duty station outside the Washington, D.C. area. Each Board member has a vote equal to that of any other member.

2. The Director, DCP, will make every effort to assure that Boards do not consist entirely of men or women or entirely of individuals of one race, but no Board member will be selected solely on the basis of gender or race.
3. No member of a Promotion Board shall participate in two consecutive considerations of an officer for promotion to the same grade.
4. The senior member of the Board will be chairperson. The chairperson will call the Board to order, govern the general conduct of the Board, and direct the functions of the executive secretary and recorder(s) assigned to the Board.
5. Promotion Boards normally meet during the period of February through June to consider officers eligible for temporary promotion during the following promotion year that extends from July 1 through June 30.

Section F. Policy

1. In order to be considered for promotion, an officer must possess and maintain current, valid licensure/certification appropriate for his/her profession, consistent with appointment standards, current licensure policy, and/or billet requirements, and have a current Commissioned Officers' Effectiveness Report (COER) covering the most recent rating period.
2. Except as specified below, all officers eligible for consideration for temporary promotion to the Full (0-4), Senior (0-5), and Director (0-6) grades will be:
 - a. Considered and ranked by Promotion Boards in relation to officers of the same category/group and grade who are eligible for promotion; and
 - b. Promoted only to the extent that there are vacancies in grade. The numbers of officers by grade and by category/group are established annually in accordance with the needs of the Service.
3. Temporary promotions must be in consecutive order.
4. Except for officers within 1 year of call to active duty, an officer must hold each successive temporary grade for at least 1 year prior to promotion to the next higher temporary grade.
5. Generally, all officers eligible for temporary promotion to the Assistant grade (0-2) and Senior Assistant grade (0-3) will be promoted without Promotion Board review on the date the officers attain initial eligibility for the promotion, provided a current Form PHS-838, "Commissioned

Officers' Effectiveness Report (COER)," is in the officer's official personnel folder. However, if the Director, DCP, prior to the effective date of the promotion, determines that there are concerns about an officer's qualifications for promotion, the officer's record will be forwarded to a Promotion Board for evaluation.

6. Medical officers eligible for temporary promotion to the Full grade (0-4) 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. The medical officer's official personnel folder must include a letter of recommendation from the Operating Division (OPDIV) or the Program Head to which the officer is assigned, a COER covering the most recent 6-month period, evidence of current applicable licensure, and other administrative requirements.
7. Promotion Boards will assess the qualifications of:
 - a. All officers, other than medical officers eligible for the Full (0-4) grade, who meet the eligibility requirements for temporary promotion to the Full grade (0-4), Senior grade (0-5), and Director grade (0-6) as set forth in Section D.1, above;
 - b. Officers who were eligible for temporary promotion in the previous promotion year, but who were not promoted because of the lack of vacancies in grade;
 - c. Officers who were considered, but not recommended for promotion by a Promotion Board in the previous year; and
 - d. Officers who are eligible for temporary promotion to the Assistant grade (0-2), Senior Assistant grade (0-3), as well as medical officers eligible to the Full grade (0-4), whose records are referred to the Boards by the Director, DCP, because:
 - (1) The officer was not recommended for promotion by an OPDIV Head; or
 - (2) The officer's record of performances and/or conduct signifies reasonable doubt as to the officer's qualifications for promotion.
8. Promotion Boards utilize precepts to assess the capabilities and performance of officers. The precepts utilized by the Boards are announced annually and generally include the following factors: performance as documented on COERs, career progression, program/geographic mobility, awards, and career potential.

9. The OPDIV or Program recommendation is also a factor utilized in the process.
10. Promotion Boards are appointed for each category/group and make recommendations for or against promotion. Each Board member scores each eligible candidate. The scores for each candidate are averaged, and the candidates for each grade and each category/group are ranked on the basis of these scores.
11. The OPDIV's recommendation is factored into the scores. The candidates are recommended for promotion in the order of their ranking. The final recommendations and rankings are then forwarded to the Director, DCP.
12. An officer who is not recommended for promotion by a Promotion Board will not be reconsidered for promotion prior to the next promotion year. If, upon reexamination, the officer is found fully qualified for promotion, he/she will be placed in rank order on a promotion roster in that promotion year. A promotion will not be retroactive.
13. An officer who submits a request for retirement or separation will not be promoted if the separation is prior to the promotion effective date.
14. An officer who separates from active duty and enters the inactive reserve corps will revert to the highest permanent grade held by the officer.

Section G. Temporary Promotion Roster and Promotion Approval

1. Temporary promotions to the Full grade (0-4), except for medical officers eligible for temporary promotion to the Full grade, Senior grade (0-5), and Director grade (0-6) will depend on the requirements of the Service in each grade. Temporary promotions to these grades are competitive and are made from the promotion rosters on the basis of vacancies in grade in each category/group. Each roster will include the names of all regular corps and reserve corps officers who are considered for temporary promotion. In cases of identical scores, the Boards will break ties on the following criteria:
 - a. The regular corps officer has relative standing over the reserve corps officer;
 - b. The officer with a greater number of years in grade has relative standing over the officer with fewer years in grade;
 - c. The officer senior in years of service in the PHS Commissioned Corps has relative standing over the officer junior in years of such service; and

- d. The officer senior in years of active service in the Uniformed Services has relative standing over the officer junior in years of such service.
- 2. Officers are listed in rank order as recommended by the category/group Promotion Board and approved by the Director, DCP. Temporary promotions will be effective following approval by the Director, DCP, but a temporary promotion based on the T&E credit will not be effective earlier than the officer's eligibility date.
- 3. At the close of each promotion year, personnel orders will be issued by DCP that effects the promotions of those officers who will be promoted during the period of July 1 through June 30 of the following year based on the vacancies in grade at that time.

Section H. 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 a Promotion Board and approved by the Director, DCP.

Section I. Revocation of Temporary Promotion

- 1. Pursuant to Section 210(k) and (1) of the PHS Act (42 U.S.C. 211(k) and (1)), temporary promotions may be terminated at any time as may be directed by the President. Day-to-day administration of the corps has been delegated to the Director, DCP.
- 2. Temporary promotions may be revoked for a regular corps or reserve corps officer pursuant to the recommendations of an Involuntary Separation Board covered under the authority of INSTRUCTION 4, Subchapter CC23.7, "Involuntary Separation of Regular Corps Officers for Marginal or Substandard Performance," and INSTRUCTION 6, Subchapter CC23.7, "Involuntary Termination of Reserve Corps Officers' Commissions for Marginal or Substandard Performance."
- 3. Temporary promotions may be revoked for a regular corps or reserve corps officer pursuant to the recommendations of a Board of Inquiry convened under the INSTRUCTION 1, Subchapter CC46.4, "Disciplinary Action."
- 4. An officer's temporary promotion(s) will be rescinded if the officer twice in succession fails to be recommended by a Promotion Board for permanent promotion. The temporary promotion(s) will be rescinded effective on the date the recommendation of the Promotion Board is concurred in by the Director, DCP. The officer will serve in his/her permanent grade.

If the Director, DCP does not concur, the officer will continue to serve at his/her temporary grade.

5. Based on evidence that an officer's performance has deteriorated, an officer has engaged in misconduct, or that an officer is not functioning at a level commensurate with his/her temporary grade, and, in addition to any other adverse action authorized by law, regulation, and commissioned corps policy, a Temporary Promotion Review Board may be appointed to make recommendations about whether an officer should retain a temporary promotion. The Board will function under the procedures set forth below:
 - a. The Temporary Promotion Review Board shall be appointed and convened by the Director, DCP. The board shall consist of at least three officers in the permanent Director (0-6) grade, two of whom, insofar as practicable, shall be of the same professional category as the officer(s) whose records are submitted to the Board for consideration.
 - b. The Temporary Promotion Review Board shall review the officer's service record, the evidence relating to the officer's performance and/or misconduct problems, and any information submitted by or on behalf of the officer prior to making its recommendations. The officer is not entitled to appear personally before the Board, but the Board, by majority vote, may elect to grant a request by an officer to appear before the Board.
 - c. Based on the evidence presented, the Board shall make a recommendation to the Director, DCP, about whether an officer's temporary promotion should be rescinded. The Board's recommendation shall apply to the highest temporary promotion held which, if approved, would result in the reduction of one temporary grade.
 - d. If the Board's recommendation that an officer's temporary promotion be rescinded is approved by the Director, DCP, revocation will be effective on the date of the approval. The officer must serve at the lower grade for a minimum of 1 year before he/she can be elevated to a higher temporary grade and, then, only after successfully competing for such promotion with all other promotion eligible officers as set forth in Section G. of this INSTRUCTION.
 - e. An officer is not entitled to an administrative appeal of a decision to rescind a temporary promotion.

Section J. Privacy Act Provisions

Personnel records are subject to the Privacy Act of 1974. The applicable systems of records are 09-37-0002, "PHS Commissioned Corps General Personnel Records, HHS/OASH/OSG," and 09-37-0005, "PHS Commissioned Corps Board Proceedings, HHS/OASH/OSG."