

MANUAL: Personnel
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Part 2--Commissioned Corps Personnel Administration

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service

Chapter CC23--Staffing
Subchapter CC23.8--Retirement
Personnel INSTRUCTION 5--Voluntary Retirement After 20 Years of Service

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Section A. Purpose and Scope

1. This INSTRUCTION states the policy and procedures under which an officer of the Public Health Service (PHS) Commissioned Corps shall be considered, upon his/her request, for retirement after 20, but less than 30, years of active service.
2. Under no circumstances shall an officer with less than 30 years of active service be approved for voluntary retirement without compliance with the board review procedures described in this INSTRUCTION.
3. For information on types of retirement and creditable service for retirement eligibility, refer to INSTRUCTION 1 of this subchapter.
4. For information on the computation of retired pay, refer to INSTRUCTION 2, of this subchapter.

Section B. Authority

Section 211(a)(3) of the PHS Act (42 U.S.C. 212(a)(3)) provides that an officer may be retired, upon his/her request and with the approval of the Secretary, after completing 20, but less than 30, years of active service. The Secretary has delegated this authority to the Assistant Secretary for Health (ASH) (See Part 3 of this Manual).

Section C. Policy

1. The commissioned corps personnel system and its benefits, including pay and retirement, are structured on the basis of a 30-year career. Pay increases based on length of service continue until an officer reaches "over 26 years of service." Maximum retired pay is based on 30 years of service (75 percent of basic pay). With approval, an officer may retire, as provided in Section C.2., below, after completing 20, but less than 30, years of active service. To be eligible for consideration for such retirement, the officer must have 20 years of creditable service as defined in Section D.
2. Voluntary retirement before completing 30 years of creditable service for retirement eligibility shall be approved only if the services of an officer can be relinquished without adverse effects on the continued and effective operation of PHS programs. The following factors, in the order listed, shall be considered when an officer requests consideration for retirement:
 - a. Program and agency recommendation for approval or disapproval of the officer's request;
 - b. Effect of the retirement on continued and effective operation of the program to which the officer is assigned;
 - c. Availability of a suitable replacement;
 - d. Availability of other assignments for which there is a need for the officer;
 - e. Whether retirement is in the interest of national or international health (e.g., officer requesting retirement to accept position in academic field or with a State or local health department or international organization);
 - f. Years of service creditable for retirement eligibility, exclusive of service in other uniformed services; and
 - g. Extreme personal hardship potentially affecting the performance of the officer if he/she remains on active service, indicating the officer's retirement will be in the best interest of the PHS.

Section D. Creditable Service for Eligibility

1. Basic requirement. To be eligible for consideration for retirement after 20 years of service, an officer must have had at least 10 years of active commissioned service with PHS.
2. Creditable Service. Subject to the restriction of D.1 above, creditable service for establishing eligibility for retirement under the provisions of this INSTRUCTION includes:
 - a. All active service (enlisted and commissioned) in any of the uniformed services; plus,
 - b. Employment with PHS, other than as a PHS commissioned officer, which is comparable to service performed by an officer, not to exceed the last five years of such employment. For purposes of this paragraph, creditable service includes PHS employment in professional positions subsequent to receipt of a baccalaureate degree (i.e., positions normally classified at two-grade intervals under the General Schedule (GS) pay system) at grade levels GS-5 and above as well as equivalent level positions (e.g., Senior Executive Service);* plus,

*Exception: Before December 18, 1980, creditable service included employment as a non-BS nurse with PHS after registration as a graduate nurse under a nurse practice act of a State or the District of Columbia. The crediting of such service was eliminated effective December 18, 1980. Only those officers who entered on active duty before that date received such credit.
 - c. All active service (other than service included in D.2.a. and b., above) which is creditable for retirement purposes under the laws governing the retirement of members of any of the uniformed services.

Section E. Request for Consideration

1. Setting the Effective Date
 - a. By law, all voluntary retirements must be effective the first day of a month. An officer will be retired in the month he/she requests provided that the officer complies with the time constraints pertaining to the submission of his/her retirement request set forth in Section E.3, below. Unless an exception is authorized by the Director, Commissioned Personnel Operations Division (CPOD), Office of Personnel Management (OPM), Office of Management (OM), an officer must retire no later than the first day of the sixth month following the month in which approval to retire is granted by ASH.

Exception: An exception may be granted if the officer's service is imperative to meet an emergency short-term program need and is mutually agreed to by the officer, the program, and the PHS agency head. Such a

request shall state the officer's specific expertise necessitating an extension of his/her active duty, the required duration of the officer's extension on active service, and the plans of the program/agency to relieve the officer from duty. Any extension of the officer's retirement date shall be approved by the Director, CPOD/OPM/OM.

- b. Within the above limits, the effective date shall be negotiated between the officer and the appropriate officials in the program to which the officer is assigned. In making this determination, program officials shall consider the following factors:
 - (1) Earliest date that the officer can be released without serious effect upon program operations;
 - (2) Date requested by the officer; and
 - (3) Latest date the officer can retire without jeopardy to him/her.

2. Submission of Request.

- a. An officer's request for permission to retire shall be submitted through the officer's supervisor. The officer's request shall be made by memorandum and must contain an effective date of retirement. The officer's memorandum should be brief, but may include any pertinent facts which would assist the board in reaching a recommendation. A copy of the request should be forwarded to the address listed in 2. b., below. The officer should be aware of the deadline for submission of agency recommendations to the board and submit his/her request in sufficient time for program/agency administrative review.
- b. The officer's supervisor shall then prepare a covering memorandum, to be submitted along with the officer's request, through program and agency channels to the Director, CPOD, at the following address:

Director
Commissioned Personnel Operations Division/OPM/OM
Parklawn Building, Room 4-35
Rockville, Maryland 20857
- c. The supervisor's memorandum shall address each of the considerations in Section C.2. The supervisor's memorandum shall be prepared to include signatures of additional levels of management, including the head of the bureau, center, or institute.
- d. The completed program response and officer's request shall then be forwarded through the appropriate commissioned corps liaison office to obtain the endorsement of the head of the PHS agency, PHS staff office, or regional office. The agency/regional office shall address the overall effect of the officer's retirement on the agency/regional office, and provide explicit recommendation for or against retirement.

e. The program and agency/regional office response shall contain the signatures of the head of the officer's program and of the PHS agency, PHS staff office or regional office. Any request that is simply initialed and does not include a recommendation for approval or disapproval by program and agency heads shall be returned for appropriate endorsements.

3. Deadlines for Requesting Consideration.

a. A request for consideration for retirement may be made at any time. However, requests must be received by CPOD with program and agency endorsements in order to be presented timely to appropriate boards as indicated below:

AGENCY REVIEW DUE TO CPOD	BOARD WILL MEET	1st AVAILABLE RETIREMENT DATE	LAST DATE MAY RETIRE
January 15	February	April 1	October 1
May 15	June	August 1	February 1
September 15	October	December 1	June 1

b. Only requests which contain endorsements by program and agency heads shall be processed according to the above timetable. Should a request be received after a due date in CPOD, it will be scheduled automatically for the next board, and the requested retirement date shall be the first available date from that board process.

c. The effective date of a medical or dental officer's retirement, in any case, may not be earlier than the first day of the month following completion of his/her executed special pay contract.

Section F. Consideration of Request

1. Referral to Retirement Board. All requests for consideration for voluntary retirement as defined in this INSTRUCTION, shall be referred to a retirement board for review and recommendation.
2. Retirement Boards. Retirement boards shall be convened during the months of February, June, and October. The boards shall be appointed and convened by the Director, CPOD. Such boards will consist of five or more senior officers.
3. Board Recommendations. Each board shall make appropriate recommendations for approval or disapproval of retirement requests, taking into consideration the factors listed in Section C., above.

Section G. Final Action

1. Action by Assistant Secretary for Health. The recommendations of the retirement board shall be reviewed by CPOD and forwarded for action by ASH.
2. Submitting Form PHS-1373. Notice of the decision on a request for retirement shall be sent to the officer by the Director, CPOD, with a copy to the Agency Liaison Officer. If the retirement is approved, the officer will be requested to submit a Form PHS-1373, "Separation of Commissioned Officer," through normal channels. If the retirement is not approved, the officer may not be considered for retirement by a retirement board for one year.

Section H. Records Management and Access

Records related to approval/disapproval of retirement requests are subject to the provisions of the Privacy Act of 1974. Personnel INSTRUCTION 7, CC26.1, "Rights, Responsibilities, and Personnel Records of PHS Commissioned Officers Under the Privacy Act," sets forth the procedures to be followed in the maintenance of these records. The applicable system of records is: 09-37-0005, "PHS Commissioned Corps Board Proceedings, HHS/OASH/OM."