1. PURPOSE: This Directive prescribes regulations governing the permanent and temporary grade promotions of Regular Corps officers in the Commissioned Corps of the U.S. Public Health Service (Corps).

2. APPLICABILITY: This Directive applies to all Regular Corps officers being considered for permanent or temporary grade promotions.

3. AUTHORITIES:
   3-1. Public Law (PL) 111-148, Patient Protection and Affordable Care Act, Section 5209, “Elimination of Cap on Commissioned Corps”
   3-2. 42 USC 202, “Administration and Supervision of Service”
   3-3. 42 USC 216, “Regulations”
   3-4. 42 USC 211, “Promotion of Commissioned Officers”
   3-5. 42 USC 207, “Grades, Ranks, and Titles of Commissioned Corps”
   3-6. 42 USC 210b, “Professional Categories”
   3-7. CC43.7.1, “Termination of Officers’ Commissions . . . Without Consent of the Officers Involved”
   3-8. Executive Order 11140, “Delegating Certain Functions of the President Relating to the Public Health Service

4. PROPOSENT: The proponent of this Directive is the Secretary of the Department of Health and Human Services.

5. SUMMARY OF REVISIONS AND UPDATES: This is the first issuance of this Directive within the Commissioned Corps Issuance System (CCIS) and replaces Commissioned Corps Personnel Manual (CCPM) CC43.4.1, “Promotion of Commissioned Officers in the Public Health Service,” dated 15 February 2000. Changes include:
5-1. All references to the “Reserve Corps” were removed.


5-3. Removed Section C, “Definitions,” and placed the definitions for “restricted grade” and “selected promotions” into the CCIS Glossary.

5-4. Removed Section E, “Numbers in Grade.”

5-5. Removed “officer’s record” and added Official Personnel Folder (OPF/eOPF) in section 6-5.

5-6. Replaced “Physical Examination” with “Health Standards” in Section J.

5-7. Removed “personnel record” and added “(OPF/eOPF) regarding the officer’s performance, training, experience, abilities and conduct in Section K.”

5-8. Revised Section N, “Effect of Disciplinary Action” to ensure that suspensions of personnel actions are linked to actions pending and denials of personnel action are linked to actions taken.
6. POLICY: The Assistant Secretary for Health (ASH) shall determine the promotion success rates or the number of officers to be promoted in the Corps by permanent or temporary grade.

6-1. Professional Categories. The Corps shall be divided into the following categories for the purpose of determining eligibility for promotion review: medical, dental, nurse, engineer, scientist, environmental health, veterinary, pharmacy, dietitian, therapy, and health services.

6-2. Seniority in Grade
   a. Establishment of Seniority Lists. There shall be established for each grade of each category in the Corps, seniority lists which shall include the names of those officers on active duty in the Regular Corps. The names of Corps officers on each seniority list shall be arranged in the order of their seniority pursuant to Section 210(j) of the PHS Act and 42 USC 211(j). The ASH shall issue policies that address promotion of and seniority lists for officers in the Ready Reserves.
   b. Promotion to Assistant Grade. Each officer in the Junior Assistant (O-1) grade, who is examined and found qualified for promotion, shall be eligible for a permanent promotion to the Assistant grade (O-2) on the first day of the month following the date on which he/she meets the qualifications prescribed for original appointment to the Assistant grade regardless of length of service in the Junior Assistant grade.
   c. Seniority in Grade, Junior Assistant Grade. The order of seniority on each seniority list for the Junior Assistant grade shall be established in accordance with the length of time each officer must serve before becoming eligible for promotion to the Assistant grade. An officer having a shorter period of time to serve before becoming eligible for promotion shall assume seniority over an officer having a longer period of time to serve before becoming eligible for promotion.
   d. Entitlement to Same Seniority. If two or more officers on the same seniority list are entitled to the same seniority, their relative standing on such list shall be determined as follows:

1. An officer already in a grade shall have relative standing over an officer originally appointed to the grade.
2. If an officer is originally appointed on the same day that another officer is promoted to the same grade, the officer promoted to the grade shall have relative standing over the officer appointed to the grade.

6-3. Restricted Categories and Grades
   a. The ASH or his/her designee may restrict specific categories by limiting permanent promotion to the full grade and senior grade only if vacancies exist in such grades.

6-4. Annual Promotion Boards
   a. Appointment of Promotion Boards; Powers and Duties. Each calendar year, the Surgeon General (SG) shall appoint one or more promotion boards for each category to consider the qualifications of officers of the Corps for permanent and temporary promotions.
b. Board Members. Such boards shall consist of three or more Director Grade Corps officers who meet the professional and suitability requirements to serve as promotion board members as established by the ASH. No officer shall serve 2 consecutive years of service as a promotion board member.

c. Officers to be Considered for Promotion. The promotion boards shall consider for promotion those officers of the Corps who will become eligible for permanent promotions, except selected promotions, during each ensuing period of 1 year or less. In addition, the board shall consider a sufficient number of officers to meet the estimated needs of the Corps for temporary or selected promotions during the same period.

6-5. Examination for Promotion

a. Types of examinations by the Annual Promotion Boards. The examination for permanent or temporary promotion to the Assistant (O-2), Senior Assistant (O-3), Full (O-4), Senior (O-5), or Director (O-6) grade in the Corps shall consist of a review and evaluation of the officer’s Official Personnel Folder (OPF).

b. Rating Values. The examination of every officer eligible for permanent or temporary promotion to any grade in the Corps shall be rated, except as provided in Section 6-5.c., by a promotion board in accordance with relative values prescribed for each part of the examination.

c. Competitive Examinations. If a competitive examination for selected or temporary promotions is prescribed, the board considering officers for such promotions may be requested to recommend for promotion only those officers who possess special prescribed qualifications.

d. Health Standards. The ASH or his/her designee may require officers to provide health records or undergo a health examination as part of the examination for permanent promotion.

6-6. Promotion Lists

a. Establishment of Promotion Lists. The OPF/eOPF of Corps officers who are eligible for consideration for permanent or temporary promotions shall be arranged by category and grade and presented to promotion boards for evaluation. Based on a review and evaluation of each officer's Commissioned Officers' Effectiveness Report (COER) and other relevant aspects of his/her OPF/eOPF regarding the officer’s performance, training, experience, abilities and conduct, the promotion board shall make a promotion recommendation. For those officers recommended for promotion (1) based on competitive examinations, (2) to fill vacancies in grade, or (3) in restricted grades and categories, the promotion board shall establish a ranked order list for each grade of each category that contains the names of officers ranked according to the board's evaluation of the officers' qualifications for promotion.

b. Recommendation and Determination of Promotion Lists. The ASH or his/her designee may consider other relevant information to generate the promotion list may include grade, success rates including grade, numbers limitations, standing of officers on the ranked order lists prepared by the promotion boards, and any other relevant information including, but not limited to, reports of security violations, marginal or substandard performance, misconduct, or medical fitness for duty.
c. Approval of Promotion List. The promotion lists prepared by the promotion board shall be submitted to the ASH or his/her designee, who shall determine which officers of the Corps are to receive temporary promotions, and which officers of the Corps are to be recommended to the President for permanent promotion.

6-7. Promotion Allocation by Grade

a. Commissioned Corps Directive CC43.4.2, “Force Management,” provides the authorized distribution of regular corps officers by permanent grade from the Junior Assistant (O-1) grade to the Director (O-6) grade. The distribution established by this regulation shall not require (apart from action pursuant to other provisions of law or regulation) any officer to be separated from the Service or reduced in grade.

6-8. Permanent Promotion

a. Submission of “Recommended for Promotion” List. The names of Regular Corps officers recommended for permanent promotion shall be submitted through appropriate administrative channels to the President for nomination, and to the Senate for confirmation. An officer of the Corps who is recommended for, but fails to receive a permanent promotion during the ensuing promotion year, shall be reexamined for promotion during the next promotion year.

b. Failure to Be Recommended For Permanent Promotion.

(1) Failure to be recommended for promotion of a Junior Assistant Grade Officer (O-1). An officer who has completed less than 20 years of creditable service for retirement eligibility purposes as defined in Section 211(d) of the PHS Act (42 USC 212(d)) and is found not to be qualified for promotion to the permanent Assistant grade for reasons other than physical disability shall be separated from the Corps.

(2) Failure to be recommended for promotion of an Assistant Grade Officer (O-2). Any officer who has completed less than 20 years of service for retirement eligibility and after having been twice examined for permanent promotion and found not to be qualified for permanent promotion to the Senior Assistant grade (O-3) for reasons other than physical disability shall be separated from the Corps. A Regular Corps officer separated under this section shall be paid 6 months of basic pay and allowances in accordance with Section 210(g)(1) of the PHS Act (42 USC 211(g)(1)).

(3) Failure to be recommended for promotion of a Senior Assistant Grade Officer (O-3). An officer who has completed less than 20 years of creditable service for retirement eligibility purposes as defined in Section 211(d) of the PHS Act (42 USC 212(d)) and after having been twice examined for promotion and is found not to be qualified for permanent promotion to the Full grade (O-4) for reasons other than physical disability shall be separated from the Corps. A Regular Corps officer whose commissioned is terminated pursuant to this Subsection will be paid 1 year of basic pay and allowances in accordance with Section 210(g)(2) of the PHS Act (42 USC 211(g)(2)).

(4) Failure to be recommended for promotion of a Full Grade Officer (O-4). An officer who has completed less than 20 years of creditable service for retirement eligibility purposes as defined in Section 211(d) of the PHS Act (42 USC 212(d)) and who after having been twice examined for
promotion is found not to be qualified for permanent promotion to the permanent Senior grade (O-5) for reasons other than physical disability, will be considered not in line for promotion. An officer of the Regular Corps who comes under this subsection will, at such time thereafter, as the ASH determines, be retired from the PHS with retired pay. See Section 210(g) (3) of the PHS Act (42 USC 211(g) (3)). If retained on active duty however, the officer will serve in his or her permanent grade.

6-9. Temporary Promotions

a. Temporary Promotions During Non-Emergency Periods. To the extent that there are vacancies within the Corps numbers in grades established by the Secretary pursuant to 42 USC 211(l), officers of the Regular Corps may be recommended to the Ash or his/her designee for temporary promotions during non-emergency periods.

b. Temporary Promotions During National Emergency or War. Pursuant to 42 USC 211(k) in time of war or national emergency proclaimed by the President, any officer of the Regular Corps in any grade may be recommended to the President for a temporary promotion to any higher grade, up to and including the Director grade, whether or not a vacancy exists in such grade.

c. Basis for Temporary Promotion. Selections for temporary promotions shall be based upon consideration of the qualifications of an officer for promotion and his/her ability to perform the duties and responsibilities of the higher grade as demonstrated by his/her training, experience, and record with the Corps. The Ash or his/her designee may terminate any promotion made pursuant to this section at any time.

6-10. Effect of Administrative and/or Disciplinary Action

The ASH or his/her designee may suspend the temporary or permanent promotion of an officer who is under investigation for allegations of unacceptable performance or misconduct or when administrative and/or disciplinary actions are pending. The ASH or designee may deny the temporary or permanent promotion of an officer when administrative and/or disciplinary actions are or have been taken.

7. RESPONSIBILITIES: The authority to promulgate policies implementing this Directive shall reside with the ASH.

8. HISTORICAL NOTES: This is the first issuance of this Directive within the CCIS and replaces CCPM CC43.4.1, “Promotion of Commissioned Officers in the Public Health Service,” dated 15 February 2000.