

**U.S. DEPARTMENT OF HEALTH  
AND HUMAN SERVICES**

**COMMISSIONED CORPS DIRECTIVE**



**CCD 121.03**

**EFFECTIVE DATE: 1 MARCH 2007**

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**By Order of the Secretary of Health and Human Services:**

**MICHAEL O. LEAVITT**

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SUBJECT: Accommodation of Religious Practices

1. **PURPOSE:** This Directive provides policy regarding the accommodation of religious practices for officers in the Commissioned Corps of the U.S. Public Health Service (Corps).
2. **APPLICABILITY:**
  - 2-1. This Directive applies to all officers serving on active duty and fulfilling assignments within the Department of Health and Human Services (HHS or Department).
  - 2-2. For officers detailed to one of the Armed Forces, including the U.S. Coast Guard, the accommodation of religious practices for officers shall be determined in accordance with the laws and regulations governing the Service to which detailed.
  - 2-3. For officers detailed outside the Department other than organizations set forth in Section 2-2, decisions regarding the accommodation of religious practices are reserved to the Assistant Secretary for Health (ASH) or his designee, who may act through policy issuance(s), detail agreement(s), or by decision in individual cases, as appropriate.
3. **AUTHORITY:**
  - 3-1. [42 USC 204](#), [42 USC 216](#), and [42 USC 213\(f\)](#).
  - 3-2. [10 USC 774](#).
  - 3-3. Executive Order (EO) 11140, dated 30 January 1964.
  - 3-4. Reorganization Plan No. 3 of 1966, dated 25 June 1966.

4. PROponent: The proponent of this Directive is the Secretary of HHS.
5. SUMMARY OF REVISIONS AND UPDATES: This is the first Directive governing the accommodation of religious practices for officers in the Corps.

## 6. POLICY:

- 6-1. The Department is the U.S. Government's principal agency for protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves. The Corps is the Department's uniformed service as authorized by [42 USC 204](#), whose mission is protecting, promoting, and advancing the health and safety of the Nation (See also [37 USC 101\(3\)](#)). Meeting this mission is a critical priority of the Corps. Accordingly, there may be times in which the Corps is unable to accommodate the religious practices of officers when accommodation would have an adverse impact on the ability of the Department and/or Corps to meet its mission.
- 6-2. A basic principle of our Nation is the free exercise of religion. The Department places a high value on the rights of officers to observe the tenets of their respective religions. It is the Department's policy that requests for accommodation of religious practices by officers should be approved by the ASH, in consultation with the Heads of Operating Divisions or Staff Divisions, when accommodation will not have an adverse impact on the:
- a. Mission of the Department and its organizational components and/or the Corps;
  - b. Corps cohesion;
  - c. Standards under which the Department or its organizational components operate;
  - d. Discipline within the Department and the Corps; or
  - e. Force readiness and deployment(s).
- 6-3. The following considerations shall be applicable in decision making concerning the accommodation of religious practices. Nothing in these tenets shall be interpreted as requiring a specific form of accommodation in individual circumstances.
- a. Worship services, holy days, and Sabbath observances should be accommodated to the extent possible except when precluded by mission necessity, in light of the concerns reflected in the principles listed in Section 6-1.
  - b. When applicable, religious belief may be a factor for consideration when granting separate rations.
  - c. Religious belief may be a factor for consideration in waiving the Corps' immunization requirements, subject to medical risks to the officers, the unit, persons to whom medical or dental services may be rendered, and mission requirements of the Department and the Corps, such as alert status and deployment/response potential.
  - d. To ensure officers are apprised of the policies governing accommodation of religious practices, the Corps should include relevant materials on religious traditions, practices, and policies in the curricula for officer training, as appropriate. Any package of relevant materials should clearly state that the included items do not represent an exclusive list of religious practices that will be afforded accommodation.

- e. Religious items or articles not visible or otherwise apparent may be worn with the uniform, provided they shall not interfere with the performance of the officer's duties or interfere with the proper wearing of any authorized article of the uniform under policies established by the ASH.

6-4. Consistent with [10 USC 774](#), officers may wear visible items of religious apparel while in uniform under policies established by the ASH. Officers are advised that a complete prohibition on the wearing of any visible items of religious apparel may be appropriate under unique circumstances in which the officer's duties, Department's or Corps' mission, or the maintenance of discipline require absolute uniformity.

7. RESPONSIBILITIES:

7-1. On 24 July 2003, the Secretary delegated the authority to administer and establish policy for the Corps to the ASH. In prescribing policies and/or granting requests in accordance with this Directive, the following factors may be considered, along with any other factors deemed appropriate under the circumstances:

- a. The importance of Service requirements in terms of officer and unit readiness, health and safety, discipline, morale, and cohesion;
- b. The religious importance of the accommodation to the requester;
- c. The cumulative impact of repeated accommodations of a similar nature;
- d. Alternative means available to meet the requested accommodation; and
- e. Previous treatment of the same or similar requests, including treatment of similar requests made for other than religious reasons.

Note. These factors constitute merely guidelines and as such should be viewed in light of the individual circumstances of each case.

7-2. When a religious accommodation would not be consistent with the standards set forth in this Directive, the accommodation may be denied. Nothing in this Directive shall preclude administrative and/or disciplinary action consistent with applicable Corps policies and procedures.

7-3. The ASH may delegate the authority to approve or deny requests for accommodation of religious practices in accordance with this Directive to the Surgeon General, or in his/her absence, to the Deputy Surgeon General without further delegation.

8. HISTORICAL NOTES: This is the first Directive on accommodation of religious practices (See DoD No. 1300.17, "Accommodation of Religious Practices Within the Military Services," 3 February 1988; certified current as of 21 November 2003).

/s/

1 March 2007

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Secretary

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Date