



CCD 111.01  
EFFECTIVE DATE: 16 July 2020

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

**Alex M. Azar II**

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SUBJECT: Equal Opportunity

1. PURPOSE: This Directive states the policy and procedure for equal opportunity (EO) discrimination complaints processing for officers of, and applicants to, the Commissioned Corps of the U.S. Public Health Service (Corps).
2. APPLICABILITY:
  - 2-1. This Directive applies to all members of the Regular Corps and the Ready Reserve Corps.
  - 2-2. Corps officers who are assigned or detailed to non-Health and Human Services (HHS) organizations may only file a complaint under this regulation when the subject of the complaint is a matter under the control of HHS.
  - 2-3. For matters not under the control of HHS, the officer should file his/her complaint with the non-HHS organization to which detailed in accordance with the Memorandum of Agreement between HHS and that entity.
  - 2-4. Corps officers detailed to the Navy, Marine Corps, Army, Air Force, and Coast Guard, shall remain subject to the law of the Armed Forces to which they are detailed. EO claims filed by these officers will be processed in accordance with the procedures of the Service to which detailed.
3. AUTHORITY:
  - 3-1. [42 U.S.C. § 216](#), "Regulations"
  - 3-2. [42 U.S.C. § 213\(f\)](#), "Active service deemed active military service with respect to anti-discrimination laws"
4. PROPONENT: The proponent of this Directive is the Secretary of the Department of Health and Human Services (HHS).

5. SUMMARY OF REVISIONS AND UPDATES: This is the first issuance of this Directive within the electronic Commissioned Corps Issuance System (eCCIS) and replaces Commissioned Corps Personnel Manual (CCPM) CC46.1.1, "Equal Opportunity," dated 3 August 1999. This version:

- 5-1. Extends applicability to the Ready Reserve Corps.

6. POLICY: Except as noted in this Directive, it is the policy of the Corps to provide EO to all qualified professionals; to assure that there is no discrimination in the workplace based on race, color, religion, sex, national origin, and to a limited extent, age or disability; and to resolve or adjudicate promptly and fairly all allegations relating to discrimination.
  - 6-1. No individual who has attained the age of 44 shall be appointed to the Regular Corps for a period in excess of 1 year, unless:
    - a. He/she has had a number of years of active service (as defined in 42 U.S.C. § 212(d)) equal to the number of years by which his/her age exceeds forty-four.
    - b. The Surgeon General (SG) determines that he/she possesses exceptional qualifications not readily available elsewhere in the Corps, for the performance of special duties with the Service.
  - 6-2. Applicants to the Corps must meet medical appointment standards to be commissioned, and must be physically fit. Active-duty officers may be separated if found unfit to perform duties of their office and grade. Officers who are found fit for duty shall be provided equal opportunity and may not be subject to prohibited discrimination.
  - 6-3. All officers of, and applicants to, the Corps are afforded EO when considered for appointment, career development, promotion, assignment, relocation, assimilation, retention, and separation, consistent with laws and regulations affecting the Corps and the needs of HHS. However, as members of a Uniformed Service, commissioned officers are not covered by laws related to discrimination on the basis of race, color, sex, ethnicity, age, religion, and disability.
  - 6-4. Violations of this policy shall be conveyed to the appropriate supervisor, manager, or EO Officer. Complaints shall be processed in accordance with Commissioned Corps Instruction (CCI) [211.03](#), "Equal Opportunity: Discrimination Complaints Processing."
7. RESPONSIBILITIES:
  - 7-1. The Assistant Secretary for Health (ASH) is responsible for establishing the Commissioned Corps Equal Opportunity policies and procedures.
  - 7-2. The ASH and SG will be supported by the Equal Employment Opportunity Programs Group, HHS, and all HHS Operating Divisions (OPDIVs) Equal Employment Opportunity Officers, Counselors, and Investigators, and the Office of the Assistant Secretary for Health Directors in implementing the Corps EO programs. The SG shall render the final Agency decision in all complaints filed by Corps officers.
8. HISTORICAL NOTES: This is the first issuance of this Directive within the eCCIS.
  - 8-1. CCPM CC46.1.1, "Equal Opportunity," dated 3 August 1999.