



CCI 633.07
EFFECTIVE DATE: 29 October 2024

By Order of the Assistant Secretary for Health:

ADM Rachel L. Levine, M.D.

SUBJECT: IHS Special Duty Pay

1. PURPOSE: This Instruction establishes the conditions and circumstances under which officers of the U.S. Public Health Service (USPHS) Commissioned Corps who are assigned to positions at the Indian Health Service (IHS) may be authorized to receive IHS Special Duty Pay (SDP). It also sets forth the process for determining the rates and the mechanism by which IHS SDP is paid.
2. APPLICABILITY: This Instruction applies to all Regular Corps Officers on active duty who are permanently assigned to IHS.
3. AUTHORITY:
 - 3-1. [37 U.S.C. § 352](#), "Assignment pay or special duty pay"
 - 3-2. [37 U.S.C. § 373](#), "Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met"
 - 3-3. Commissioned Corps Directive (CCD) [151.06](#), "Assignment Pay"
 - 3-4. [CCD 151.07](#), "Hazardous Duty Pay and Special Duty Pay"
4. PROponent: The proponent of this Instruction is the Assistant Secretary for Health (ASH). The Surgeon General (SG) is responsible for providing supervision of activities relating to the day-to-day operations of the USPHS Commissioned Corps. The Director, Commissioned Corps Headquarters (CCHQ), under the supervision and guidance of the Deputy Surgeon General (DSG), provides overall management of USPHS Commissioned Corps personnel operations and processes.
5. SUMMARY OF REVISIONS AND UPDATES: This is the first issuance of this Instruction.

6. POLICY: In order to ensure that the USPHS Commissioned Corps continues to meet its ongoing mission to protect, promote, and advance the health and safety of the Nation, the USPHS Commissioned Corps is authorized to pay Indian Health Service (IHS) Special Duty Pay (SDP) to officers who are permanently assigned to IHS in order to maintain continuity of services at their locations. For the purposes of this Instruction only, "IHS locations" includes assignments of officers to any location where IHS employees and/or contractors work, including IHS federal facilities, tribal facilities, and urban facilities.

6-1. General Policy.

- a. IHS SDP is paid on a monthly basis and is pro-rated for partial months. The USPHS Commissioned Corps will not pay IHS SDP in an annual lump sum.
- b. Officers receive IHS SDP in addition to any other pay and allowance for which they are eligible. However, an officer cannot receive both Assignment Pay (AP) in accordance with Commissioned Corps Instruction (CCI) [633.06](#), "Assignment Duty Pay," and IHS SDP as authorized in this Instruction. IHS officers with an existing AP agreement for working at an IHS location can choose to continue their existing AP agreement or request the termination of that agreement and to enter a new IHS Special Duty Pay agreement as specified in Section 6-4.
- c. Concurrent Receipt of IHS SDP and Other Special Pays.
 - (1) An officer may receive IHS SDP simultaneously with an Accession Bonus, Critical Wartime Skills Accession Bonus, Incentive Pay, Retention Bonus, Board Certification Incentive Pay, or any other Special Pay or Special Duty Pay (see CCI [633.01](#), "Special Pays" and CCI [642.03](#), "Special Duty Pay"), other than Assignment Pay.
 - (2) An officer may receive IHS SDP while in Training or under a Training ADO except as specified in Sections 6-2.a.(8) and (9):
- d. Temporary Duty Assignments (TDY) and Deployments. CCHQ will continue to pay IHS Special Duty Pay to an officer who is on a TDY assignment or deployed by the USPHS Commissioned Corps away from the position and/or location for which IHS SDP is approved. If the officer is deployed or temporarily assigned to a location authorized to pay regular AP, the officer cannot collect regular AP while receiving IHS SDP.
- e. Interaction of a Fitness for Duty Determination (FFD) and IHS SDP.
 - (a) An officer who is undergoing a FFD may not enter an IHS SDP agreement until the officer is found fit for duty.
 - (b) An officer may initiate an agreement if the officer is able to continue working on a half-time or more basis and IHS recommends payment.
 - (c) CCHQ will pay the monthly payments of an existing IHS SDP agreement when the payments are due to an officer who is undergoing a FFD provided that the officer continues to meet the other criteria in Section 6-2.

6-2. Officer Eligibility Requirements.

- a. In order to receive IHS SDP, a Regular Corps officer must meet each of the following criteria:
 - (1) Be permanently assigned to IHS.

- (2) Be in pay grade O-6 or below.
 - (3) Agree to serve in the position for which they request IHS SDP and at that specific IHS location for the first year of their initial SDP agreement with an IHS location.
 - (4) Maintain compliance with [CCD 111.03](#), "Conditions of Service," (i.e., meet and maintain license requirements, deployment readiness, security and suitability, health, and weight standards).
 - (5) Have received a satisfactory performance rating on the most recent annual Commissioned Officers' Effectiveness Reports (COER) as required by [CCI 351.01](#), "Commissioned Officers' Effectiveness Report." An officer who is required to have the most recent annual COER and who does not have the COER on file in CCHQ on the date determined by the SG does not meet this criterion.
 - (6) Must not be under investigation for allegations of unacceptable performance or misconduct, and must not have any current (e.g., Absent Without Leave (AWOL) within last 12 months, Letter of Reprimand) or pending administrative and/or disciplinary actions.
 - (7) Must not be in a non-duty status under the following circumstances:
 - (a) An officer who has used an excessive amount of sick leave, other than maternity leave. Excessive sick leave is defined as 60 or more consecutive days or 60 nonconsecutive days in a 6-month period. Such an officer shall have their medical records reviewed by Medical Affairs Branch, CCHQ. CCHQ may pay IHS SDP if a determination is made that according to accepted medical principles, the officer does not have a medical condition which may be disabling or otherwise places them or others in jeopardy if they were to continue on active duty (see [CCI 393.01](#), "Medical Review Board").
 - (b) An officer who is in a non-duty with pay status in accordance with [CCI 611.03](#), "Nonduty With Pay Status."
 - (c) CCHQ will not pay IHS SDP while an officer is in AWOL status.
 - (8) Must not be serving in the Senior Commissioned Officer Student Training and Extern Program (COSTEP) or in a period of obligated service as a result of participation in that program (see [CCI 371.03](#), "Senior Commissioned Officer Student Training and Extern Program (Senior COSTEP)").
 - (9) Must not be attending the Medical School of the Uniformed Services University of the Health Sciences (USUHS) to become a physician. They may receive IHS SDP after the successful completion of their initial medical residency; however, if they are performing their residency at an IHS or tribal location, they can receive IHS SDP during this residency (if the location includes their category/billet). Graduates can receive IHS SDP during subsequent Graduate Medical Education (GME) or permanent assignment within IHS.
- b. Except as specified in this Instruction all USPHS Commissioned Corps officers (of the rank O-6 and below) on active duty and assigned to IHS are eligible for IHS SDP. The AP requirements outlined in CCI 633.06, "Assignment Duty Pay," do not apply to IHS SDP including:

- (1) A location's Isolated/Hardship Award (ISOHAR) status.
 - (2) A location's vacancy status.
 - (3) The vacancy rate for the officer's category.
 - (4) The classification of an officer's position as clinical.
- c. IHS locations are not authorized to recommend withholding or disapproving an individual officer's IHS SDP when an officer otherwise meets the requirements for IHS SDP. However, in the following circumstances, IHS locations can make such a request, which must be made through IHS):
- (1) Actions have been or will be initiated which would deny the officer further practice, specialty designation, or continued service on active duty; or
 - (2) The IHS location(s) choose to not recommend IHS SDP for all the eligible officers in a category or specialty/training/billet code due to budgetary restraints or lack of need for the officers' category, profession, or specialty at the location.
- 6-3. IHS Special Duty Pay Rates. IHS will propose rates that are then approved by the Director, CCHQ, without further delegation authorized.
- a. IHS will coordinate with its locations to recommend monthly rates by service unit/location for each category as defined by specialty/training codes and, optionally, by the billet codes. The recommended rates must be within the range of \$0 - \$5,000 per month.
 - b. All officers at the same location with the same specialty/training code (or billet code if the location chooses to use them) must be paid the same rate. However, the location can set a rate of zero. If the location does not provide a rate for a specific specialty/training code, then the rate will be zero unless IHS specifies an automatic default rate.
 - c. After the first year of this Instruction, IHS must recommend any changes in rates by 1 October. The Director, CCHQ, will review these rates and issue the final rates. CCHQ must then put these new rates into effect on 1 January of the same fiscal year.
 - (1) In this Instruction's first year, IHS must propose its rates within two months of this policy's signing date. The Director, CCHQ, will review these rates and issue the final rates that will then be written into a Personnel Operations Memorandum (POM) within four months from the signing date.
 - (2) If these rates are less than six months old on the first 1 October after the policy takes effect, then IHS does not need to recommend new rates until the following 1 October.
 - d. Once the Director, CCHQ, has approved the rates, CCHQ will put the new rates into an SDP POM. After the SG has approved the first issuance of that POM, the Director, CCHQ, can modify that POM through technical updates.
 - e. IHS can submit rate changes at least 90 days in advance of the anticipated approval date. CCHQ will have three months to review these rates and, if approved, update the POM and implement the changed rates.

- 6-4. Agreement. To obtain IHS SDP, all officers and their specific IHS locations must sign an IHS SDP Agreement. IHS will work with the location to determine who has signature authority for that location. The agreement must specify the monthly amount of IHS SDP the officer will receive starting on the agreement's effective date.
- a. An approved IHS SDP agreement lasts for one year from the agreement's effective date and automatically renews unless the Director, CCHQ, approves IHS' request for changes to the IHS SDP rate for the officer's position/category at that location.
 - b. If the Director, CCHQ, approves IHS' request for changes to a location's IHS SDP rate, the officer can initiate a new IHS SDP agreement for the officer and location to sign when the current agreement ends (on the first of the month after the anniversary of the agreement's effective date).
 - c. If the officer changes position/category, but remains at the same location, the officer will need a new agreement if the IHS SDP rate for the officer's new position/category is different from the IHS SDP rate in the officer's current agreement.
 - d. If the officer moves to a different location that is part of the same service unit as the officer's prior location, the officer can keep their current agreement as long as their position/category has not changed and the new location has the same rate for that assignment. Otherwise, they need a new agreement.
 - e. The initial agreement must have language specifying the amount of IHS SDP and stating that in return for this SDP, the officer agrees to a one-year active-duty obligation to IHS at that location and position. If the agreement automatically renews, the one-year obligation does not renew as it is met by the first year of service.
 - f. Officers with existing Assignment Pay (AP) agreements under CCI 633.06, "Assignment Duty Pay," can choose to request a new IHS SDP agreement (terminating their AP agreement) or keep their existing AP agreements until they expire. When their existing AP agreement expires the officer can initiate an IHS SDP agreement for the officer and location to sign if the location and position are approved.
 - g. Once the first version of the SDP POM with the SDP rates is signed by the SG, CCHQ will allow officers whose agreements are received within 90 days of the formal announcement of the POM to PHS officers to set their agreement's effective date retroactively to the POM's signing date.
 - (1) For officers who submit agreements after 90 days of that announcement, the POM's specifications will determine their agreement's starting date.
 - (2) Since officers cannot simultaneously receive both AP and SDP, officers cannot start their SDP agreement on a date that would cause an overlap of AP and SDP. Officers receiving AP can only start SDP after ending their AP contract.
- 6-5. Payment of IHS Special Duty Pay. Once an officer enters into an IHS SDP agreement there is no requirement for the officer to submit another IHS SDP agreement and IHS SDP payments will continue as specified in 6-4., except in the following circumstances:
- a. Reassignment. An officer's IHS SDP is specific to their IHS location. If the officer moves to a different location that is eligible for IHS SDP or changes position/category to one with a different rate, they must request approval of a new IHS SDP agreement to continue receiving SDP (see Section 6-4.c. & d.). If the officer moves to another agency or IHS location that does not provide SDP (for their category/billet), SDP stops and the officer cannot request a new agreement.

- b. New Agreements. If the officer needs a new agreement for any of the reasons in Section 6-4., the officer's SDP ceases when their current agreement ends unless the officer and the location have signed a new agreement as specified in Section 6-4.
 - c. Termination. The IHS SDP is terminated as outlined in Section 6-6.
- 6-6. Termination of IHS SDP Payments and Agreements. In addition to the circumstances outlined in Section 6-5., an IHS Special Duty Pay agreement and IHS SDP payments are terminated in the following circumstances:
- a. Promotion. CCHQ must terminate IHS SDP on the effective date of the promotion of an officer to the O-7 grade or higher.
 - b. Release from Active Duty at the Officer's Request. An IHS SDP is terminated when the officer leaves Active Duty. Release from active duty while in an IHS SDP agreement does not divest the officer of travel and transportation authorization, impose any payback requirements, or affect the use of or payment for (if retiring or separating) unused annual leave, unless the officer has other obligations.
 - c. Separation from Active Duty.
 - (1) Disability Separation or Disability Retirement. IHS SDP is terminated on the date the officer is separated from active duty (see [CCI 393.01](#), "Medical Review Board").
 - (2) Death. IHS SDP is terminated on the date of the officer's death.
 - (3) Termination of Commission. IHS SDP is terminated on the date a recommendation to separate the officer from active duty is approved pursuant to [CCD 111.02](#), "Disciplinary Action," or [CCD 123.01](#), "Involuntary Separation," or on the date a decision to separate the officer from active duty is approved pursuant to [CCI 331.01](#), "Permanent Promotions."
 - (4) Involuntary Retirement (other than for a disability). IHS SDP is terminated on the date a recommendation to retire the officer is approved (see [CCI 384.03](#) Mandatory, Voluntary, and Involuntary Retirement," and [CCI 331.01](#), "Permanent Promotions") or on the date a decision to separate the officer from active duty is approved (see [CCI 331.01](#), "Permanent Promotions").
 - (5) Separation/Retirement for Convenience of the Government. If an officer is released from active duty or retired because of a reduction in strength, numbers limitation, or other reasons for the convenience of the Government, while serving under a SDP agreement, the agreement is terminated on the date of the officer's separation or retirement. The SG makes the determination whether a separation or retirement is for the convenience of the Government.
 - d. Board Recommendation. IHS SDP is terminated upon the approval of a recommendation to terminate IHS SDP made by an Involuntary Retirement Board, Involuntary Termination Board (ITB), Board of Inquiry (BOI), or other administrative board (see [CCI 384.03](#) Mandatory, Voluntary, and Involuntary Retirement," [CCD 123.01](#), "Involuntary Separation," and [CCD 111.02](#), "Disciplinary Action").
 - e. Failure to be Recommended for Promotion. If the USPHS Commissioned Corps agrees to reduce an officer's grade or separate an officer due to a USPHS Commissioned Corps promotion board recommending against promotion (i.e., a "not recommend" for promotion), IHS SDP is terminated on the date determined by the

Director, CCHQ, in consultation with the IHS (see [CCD 111.02](#), “Disciplinary Action,” [CCD 123.01](#), “Involuntary Separation,” [CCI 384.03](#) Mandatory, Voluntary, and Involuntary Retirement,” and CCI 331.01, “Permanent Grade Promotions”).

- f. Failure to maintain the USPHS Commissioned Corps’ conditions of service requirements (see [CCD 111.03](#), “Conditions of Service”) will result in the termination of IHS SDP as follows:
- (1) License, Deployment Readiness, and Weight Standards. On the date an officer is issued a Letter of Reprimand (LOR) as outlined in [POM 821.75](#), “Readiness Compliance,” or (if applicable) the date an officer’s license expires or is restricted, whichever comes first.
 - (2) Security and Suitability. On the date specified by the Director, ASH.
 - (3) Health Standards. Except for a disability separation or disability retirement, on the date the approving official approves a board’s recommendation to terminate the agreement and/or separate an officer from active duty.
- g. Misconduct.
- (1) IHS SDP is terminated on the date a civil authority, tribal authority, or military tribunal or administrative board finds an officer guilty of one or more criminal offenses or the date an officer is disciplined under applicable USPHS Commissioned Corps regulations (e.g., effective date of: a Letter of Reprimand; reduction in grade; Absence without Leave (AWOL); or discipline that is an outcome of a Board of Inquiry (BOI), Involuntary Termination Board (ITB), or other administrative board process).
 - (2) The Director, CCHQ, may suspend payments of IHS SDP when an officer is being investigated for misconduct (including investigation by a BOI, ITB, or other administrative board process). Upon completion of the investigation the Director, CCHQ, will approve resuming payment of IHS SDP if the alleged misconduct is not substantiated or terminate the IHS SDP if it is substantiated.
- h. Deterioration of Performance. IHS SDP is terminated on the date the Reviewing Official signs a COER that has a rating of less than satisfactory.
- i. Duty Status. IHS SDP is terminated on the date an officer’s non-duty with pay status exceeds 120 consecutive days.

6-7. Indebtedness. If officers leave IHS, their location, or their position/assignment before the end of the month, no repayment of IHS SDP for that month will be necessary.

7. RESPONSIBILITIES:

- 7-1. The ASH is responsible for establishing policies related to IHS SDP. By signing this policy, the ASH delegates the authority to approve IHS SDP rates to the Director, CCHQ.
- 7-2. The SG is responsible for providing supervision of activities relating to the day-to-day operations of the USPHS Commissioned Corps and may issue a POM or other documentation as necessary to implement this Instruction. Once the SG has approved the POM, the Director, CCHQ, is authorized to amend the POM through technical updates.
- 7-3. The Director, CCHQ, is responsible for the overall administration and management of all the personnel processes listed in this Instruction and any operational guidelines established by the SG.

- a. The Director, CCHQ, approves or changes the IHS SDP rates recommended by IHS and updates the chart in the POM through technical updates.
- b. The Director, CCHQ, or his or her designee, approves officers' IHS SDP agreements.
- c. CCHQ will notify the officer through a personnel order of the approval of IHS SDP agreement and is responsible for monitoring and enforcing the terms of IHS SDP agreements and this Instruction.

7-4. IHS is responsible for:

- a. Compiling a list of requested IHS SDP amounts (not to exceed the amount authorized in [37 U.S.C. § 352](#)) for positions that can be identified with specialty/training codes or billet codes.
 - (1) IHS will organize this list in a table by facility name of the federal, tribal, and urban locations. The rates for a facility will apply to all sub-units under the jurisdiction of that facility unless specifically identified separately (under the listing for the facility) with different rates. IHS can propose standard/automatic rates for facilities and categories not in the table.
 - (2) IHS will work with its facility partners to develop this proposed list and submit it for approval to the Director, CCHQ, by 1 October each year (except for the first year of this policy when IHS must submit the rates within two months of this Instruction's effective date).
- b. Transmitting an officer's IHS SDP agreement to CCHQ in accordance with this policy.
- c. Notifying CCHQ in a timely fashion of any issue(s) that may make an officer ineligible for IHS SDP.
- d. Notifying PHS officers in advance when officers need to sign a new agreement (as specified in Section 6-4.).
- e. Producing an annual report showing the effectiveness of IHS SDP. This report should include, but not limited to, data on recruitment of new officers, transfers in and out, and overall number of officers in each category/position by location tied to IHS SDP.

7-5. Each officer is responsible for adhering to the guidelines established in this Instruction and any operational guidelines established by the SG and Director, CCHQ, or their designees.

- a. Officers must familiarize themselves with the published policies that apply to all Public Health Service officers and maintain an ongoing awareness of updates and changes to USPHS Commissioned Corps policies, including any periodic changes to the IHS SDP policy, pay rates, and/or eligibility requirements.
- b. An officer must maintain current and updated contact information (e.g., e-mail, phone, address) in CCHQ in order to facilitate the USPHS Commissioned Corps' communication of information to the officer.
- c. Officers must initiate an agreement when appropriate (including submitting new agreements as specified in Section 6-4.) and ensure data is correct to support their eligibility for IHS SDP. An officer must retain copies of their agreement and other documentation.

- d. An officer is required to notify CCHQ/Financial Services Branch (FSB) and the IHS Agency Liaison within 7 days if they fail to remain eligible for IHS SDP. All payments made while not eligible will be recouped once identified in accordance with Section 6-8. An officer must also immediately notify CCHQ/FSB and the IHS Agency Liaison of any overpayment, underpayment, discrepancy, or error in their pay.

8. PROCEDURES:

8-1. Signing and Submitting Agreements.

- a. Signatures. IHS SDP agreements are digitally signed using the officer's DoD issued Common Access Card (CAC) or a Personal Identity Verification (PIV) card that is issued by IHS. Supervisors and other officials also sign the agreement using either their CAC or PIV card. In lieu of a digital signature, CCHQ may accept a hand-written signature.
- b. Submission. An IHS SDP agreement must be submitted in accordance with guidance established by the Director, CCHQ, or designee.

8-2. Rates in the POM

- a. The Director, CCHQ, will review the rates recommended by IHS and approve or change them.
- b. CCHQ will develop a POM with a table containing the approved rates and submit it to the SG. The SG will approve the first issuance of this POM. The Director, CCHQ, can then modify the POM in subsequent years through technical updates.

8-3. Payment of IHS SDP will normally commence within 90 days after CCHQ approves the completed agreement (including any necessary supporting documentation). Agreements that are missing documentation are not considered complete.

8-4. Effective Date of an IHS SDP Agreement. In no case may the effective date of an agreement be earlier than:

- a. The date of the officer's call to active duty;
- b. The date the officer attains eligibility for IHS SDP; or
- c. The date determined by procedures set forth by the SG in a POM.

9. HISTORY: This is the first issuance of this Instruction within the electronic Commissioned Corps Issuance System (eCCIS).