

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Chapter CC23--Staffing
Subchapter CC23.3--Appointment
Personnel INSTRUCTION 7--Regular Corps Assimilation Program

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Section A. Purpose and Scope

1. This INSTRUCTION states the policy and procedures for appointment of active-duty reserve corps commissioned officers to the regular corps of the Commissioned Corps of the Public Health Service (PHS) under the assimilation program.

2. For information on appointment standards for assimilation into the regular corps, see Commissioned Corps Personnel Manual (CCPM), INSTRUCTION 4, Subchapter CC23.3, "Appointment Standards and Appointment Boards," of this manual.

Section B. Authority

The statutory authority for appointment of Reserve Corps officers in the PHS Commissioned Corps to the Regular Corps is contained in Section 207(b)(2)(B) of the PHS Act (42 U.S.C. 209).

Regulations set forth in INSTRUCTION 1, Subchapter CC43.7, "Separation of Officers in the Regular and Reserve Corps Without Consent of the Officers Involved," of the CCPM, specify that a reserve corps officer shall not be assimilated into the regular corps until completion of the three-year probationary period established therein.

The authority to administer the PHS Commissioned Corps is prescribed in Section 215 of the PHS Act (42 U.S.C. 216). The authority for daily administration of the PHS Commissioned Corps has been delegated to the Director, Division of Commissioned Personnel (DCP).

Section C. Background

1. Although the regular corps is the career service of the PHS Commissioned Corps, it is the PHS policy to appoint all officers to the reserve corps. Except as provided for in item 2., below, a reserve corps officer must successfully complete two years of continuous active duty before applying for assimilation into the regular corps.

A reserve corps officer must complete three consecutive years of continuous active duty (the probationary period), before he/she is eligible to be reviewed by an assimilation board. The requirement to serve three years of continuous active duty applies not only to the first tour of active duty, but to any subsequent tours of active duty as a reserve corps officer.

2. If a regular corps officer terminates or inactivates and is later recalled to active duty, he/she is recalled into the reserve corps. A former regular corps officer may apply for assimilation immediately upon reappointment into the reserve corps if this application is made within two years of his/her termination or inactivation. A regular corps officer who is retired and is later recalled to active duty is recalled into the regular corps.
3. Appointment into the regular corps is made by the President, by and with the advice and consent of the United States Senate. The assimilation process is

completed by a personnel order issued to show the date of appointment and other pertinent dates as an officer in the regular corps. (See Section G.2., below.)

4. Reserve corps officers interested in a career with the PHS Commissioned Corps may apply for appointment to the regular corps under the assimilation program. Supervisors, Program officials, Chief Professional Officers, Professional Advisory Committees, and staff in DCP, may identify reserve corps officers who might be candidates for the regular corps and encourage them to apply for consideration under this program. Encouraging officers early in their careers may be expedient for retaining officers who are most highly qualified and motivated and committed to the goals of the programs of the Department of Health and Human Services (HHS) and the PHS Commissioned Corps.
5. Commissioned officers should review Exhibit I of this INSTRUCTION for answers to general questions about assimilation, similarities and differences, and the impact on officers. Commissioned officers are encouraged to keep this information for future reference.

Section D. Eligibility Requirements

To be eligible to apply for appointment to the regular corps under the assimilation program, an officer:

1. Must have completed a minimum of two years of continuous active duty in the current tour of duty at the time of application, except as set forth in Section C.2., above;
2. Must meet the appointment standards for his/her particular professional field, see CCPM INSTRUCTION 4, Subchapter CC23.3, "Appointment Standards and Appointment Boards";
3. Must meet the required medical standards;
4. Must have received a D or E overall score on his/her current Commissioned Officers' Effectiveness Report (COER);
5. Must be in compliance with the PHS Commissioned Corps Licensure policy, see CCPM INSTRUCTION 4, Subchapter CC26.1, "Professional Licensure/Certification Requirements for Commissioned Officers in the Public Health Service."

Section E. Application Procedures

Application

1. The officer must complete and submit Form PHS-7034, "Application for Assimilation into the Regular Corps," (Exhibit II). The application must be accompanied by a statement that would address the following:
 - a. The officer's reasons for requesting appointment to the regular corps, and
 - b. A statement indicating that the officer is applying for assimilation based on a firm commitment to a career in the PHS Commissioned Corps.
2. Upon receipt of the above, the immediate supervisor will endorse, or not endorse the officer's request for assimilation to the regular corps, and forward the application for assimilation to the attention of the Assimilation Coordinator in DCP.
3. The officer will receive acknowledgment of the receipt of the application for assimilation from DCP. Any deficiencies in the application or the ineligibility of the applicant will be communicated to the officer.
4. The officer must understand that any statements he/she makes on the application package may be investigated and that any false representation made on the application will be sufficient cause for disciplinary action pursuant to regulations prescribed in INSTRUCTION 1, Subchapter CC46.4, "Disciplinary Action," of the CCPM.

Section F. Assimilation Boards

1. General

- a. An application for appointment to the regular corps under the assimilation program will be considered by an assimilation board. All applications must have an advisory rank-order recommendation from the appropriate HHS OPDIV or Program, or his/her designee.
- b. An applicant on a limited tour of duty will not be considered by an assimilation board until the limited tour restriction is removed.

2. Board Members

- a. The Director, DCP, will select board members from lists submitted by the OPDIV or Program Heads and the Office of the Secretary.
- b. Each board's membership will include:
 - (1) five to seven members of the regular corps whose pay grade is O-6 and who are as representative as possible of the Corps in terms of OPDIV or Program distribution, category, and other pertinent factors;
 - (2) at least two members who are permanently assigned to stations outside of Washington, D.C. area, when feasible.

Moreover, the Director, DCP, will make every effort to assure that the board does not consist entirely of men or women or entirely of individuals of one race, but no board member will be selected on the basis of gender or race.

3. Ranking of Officers

- a. Two multidisciplinary boards (see 2.b., above), will be convened when necessary to consider candidates. One board will evaluate and rank-order candidates who applied for assimilation prior to serving three and a half (3½) years of continuous active duty in their current tour or are permanent grade O-3 and below. A separate board will evaluate and rank-order candidates who have applied for assimilation after serving three and a half (3½) years of active duty, and are permanent grade O-4 and above.
- b. The boards will evaluate information contained in the assimilation application, in the officer's Official Personnel File, recommendations of the OPDIV or Program to which the officer is assigned, and any other available pertinent information in light of the assimilation requirements and the needs of PHS.
- c. The assimilation boards will evaluate the officers' qualifications and rank all candidates, across category lines, for assimilation.
- d. The boards will evaluate the officer's commitment, interest, and ability to fulfill the mission of the PHS through utilizing the following factors: performance, career progression, mobility, awards, and career potential.

Section G. Selection

1. The Director, DCP, will forward, to the Surgeon General, for assimilation, a list of nominees as allowed by vacancies in the authorized strength of the regular corps.

The Surgeon General will then forward the list of the approved nominees through Departmental administrative channels to the Secretary, who will in turn, forward the list for nomination by the President and confirmation by the United States Senate.

2. Commissioned officers who are nominated for the regular corps by the President and confirmed by the U.S. Senate are notified by DCP. After verification that the medical standards and the other administrative requirements are met and an oath of office for the regular corps is executed, a personnel order completing the assimilation process is issued, and the officer will receive a regular corps appointment certificate and a regular corps ribbon.
3. Officers are appointed to the regular corps at the permanent grade held at the time nominations are forwarded to the Surgeon General by the Director, DCP. Reserve corps officers who subsequently receive permanent grade promotions shall not carry over that promotion into the regular corps.
4. Upon appointment, officers may be granted constructive credit for Base Pay Entry Date (BPED) if their actual BPED is less than that calculated by application of the statutory constructive credit. This must be determined on a case-by-case basis upon appointment into the regular corps. Officers should contact the Assimilation Coordinator in DCP for additional information.
5. Officers recommended for assimilation by a board, but were not forwarded for confirmation, will be reconsidered by the next assimilation board. An officer will only be considered by three boards for each application. Therefore, after the third board, if not forwarded for confirmation, the officer must submit a new application for assimilation as outlined in Section E., of this INSTRUCTION. At all times, the officer must continue to meet the eligibility requirements stated in Section D., above.
6. If the Director, DCP, concurs with a board's recommendation against assimilation, an officer must submit a new application in order to be considered by a later assimilation board.

7. The Director, DCP, will notify the officer of the following procedures taken on assimilation:
 - a. The officer's application was forwarded for confirmation;
 - b. The assimilation board recommended the officer for assimilation, but there was not an adequate number of vacancies available to assimilate the officer;
 - c. The officer has been considered by three assimilation boards and will not automatically be considered by the next board as stated in item 5., above;
 - d. The Director, DCP, concurred with the board's recommendation against assimilation.

Section H. Privacy Act Provisions

Personnel records are subject to the Privacy Act of 1974. The applicable systems of records are 09-40-0001, "Public Health Service Commissioned Corps General Personnel Records, HHS/PSC/HRS," and 09-40-0003, "Public Health Service Commissioned Corps Board Proceedings, HHS/PSC/HRS."

EXHIBIT I**Comparison of Reserve Corps Versus Regular Corps**

TOPIC & CCPM CITATION	RESERVE CORPS	REGULAR CORPS
Application Process CC23.3, INST 4 PAMPHLET 46	Original Appointment Standards apply. Initial oath of office and physical required. Must meet citizenship, age, professional, and medical requirements.	Eligible to apply for assimilation after two years on active duty in the current tour as a reserve officer. See Appointment Standards for category- specific requirements. Additional oath of office and physical required for appointment into the Regular Corps. If an officer wishes to be reconsidered for assimilation after his/her name is withdrawn from the nomination list, or declines appointment in the Regular Corps following Senate confirmation, he/she must reapply.
Appointment CC23.3, INST 4 CC23.3, INST 7	Under delegation of authority, appointment made by Director, Division of Commissioned Personnel (DCP). Applications for the Reserve Corps remain active for one year.	Appointment requires Presidential nomination and Senate confirmation. Original appointment to the Regular Corps at the permanent O-4 grade and above limited to 10% of the total number.
Appointment Grade CC23.3, INST 4 CC23.3, INST 7	Officers appointed at grade for which eligible based on Training and Experience (T&E) calculation done at call-to-active-duty in accordance with Appointment Standards. See Appointment Standards for grade and service requirement.	Temporary grade retained upon appointment to the Regular Corps. Officers appointed at the permanent grade at which confirmed by the Senate.
Base Pay Entry Date (BPED) Calculation CC22.1, INST 1	BPED established at the time of call-to-active-duty.	Constructive credit for pay and promotion may be given based on grade at the time of Senate confirmation if statutory constructive credit exceeds actual creditable service. BPED may be adjusted to reflect additional years depending on permanent grade appointment.
Corps Size	Corps' size established by the Secretary or his/her designee.	Limited to 2,800 officers, as set by Congress.
Probationary Period CC23.7, INST 1 CC43.7, INST 1	Officer's record subject to review during the first three years after initial appointment into the Reserve Corps. Officer's appointment may be terminated pursuant to INSTRUCTION 1, Subchapter CC23.7 of the CCPM.	Regular Corps officer reviewed for retention during the first three years following appointment into the Regular Corps. Officer may be terminated with severance pay, if found not qualified for further service.
Promotions CC23.4, INST 1 CC23.4, INST 2	Permanent promotions approved by Director, DCP. Temporary promotions approved by Director, DCP.	Permanent promotions require Presidential nomination and Senate confirmation. Temporary promotions approved by Director, DCP.
Failure of Permanent Promotion CC23.4, INST 5	Determined by permanent grade, category, and length of service. No severance pay.	Determined by grade, category, and length of service. Severance pay provided for P-02 and P-03 grades. Retirement provided for P-04 grade.
CPO Eligibility CC23.4, INST 6	Officers are NOT eligible for consideration for appointment as a Chief Professional Officer (CPO).	Officers are eligible for consideration for appointment as a CPO.
Flag Grade Eligibility CC23.4, INST 7	Officers are NOT eligible for consideration for promotion to temporary grades above the O-6 grade.	Officers are eligible for consideration for promotion to temporary grades above the O-6 grade.
Reduction in Strength CC23.7, INST 3	Less retention rights than Regular Corps.	Retention rights: Regular Corps officers have retention priority over similarly situated Reserve Corps officers.
Career Length CC23.8, INST 3 Memo to Agency Reps dated 4/16/92	Beginning in the year 2000, Reserve Corps Officers are NOT eligible to serve beyond 30 years.	Officers are eligible to stay beyond 30 years if a completed justification is made by their Operating Division or Program, and recommendations of a 30-year retirement board are approved.
Inactivation CC23.0, INST 1	Officer may request inactivation, and upon inactivation reverts to permanent grade. May be recalled as a reserve officer. Officer may apply for assimilation into Regular Corps after two years of continuous active duty in the current tour in the Reserve Corps.	Officer may request inactivation. If later returned to active duty, will be recalled as a reserve officer. Officer may request restoration back into Regular Corps if re-application is made within two years of separation.
Post-Retirement Employment CC23.8, INST 10	Officers are NOT subject to the dual compensation provisions. There is NO dual compensation offset. Maximum combined Federal income fixed at Executive Schedule (ES-O5).	Officers are subject to the dual compensation provisions if post-retirement employment is in civil service. Maximum combined income is fixed at Executive Schedule (ES-O5).

EXHIBIT II

DEPARTMENT OF HEALTH AND HUMAN SERVICES Public Health Service			
APPLICATION FOR ASSIMILATION INTO THE REGULAR CORPS*			
<p>I hereby apply for consideration for assimilation into the Regular Corps of the Public Health Service Commissioned Corps. I qualify for such consideration in accordance with the requirements stated in INSTRUCTION 4, Subchapter CC23.3 of the Commissioned Corps Personnel Manual, by virtue of the following training:</p>			
	Degree	Major	Date Awarded (Month and Year)
Bachelors Degree			
Masters Degree			
Doctorate			
	Type	Issuing Organization	Expiration Date (Month and Year)
License			
Certificate			
<p>Other Credentials: _____</p>			
<p>I certify that all of the statements made by me are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I understand that my statements may be investigated and that any false representation is sufficient cause for disciplinary action pursuant to INSTRUCTION 1, Subchapter CC46.4 of the Commissioned Corps Personnel Manual. Further, I understand that any false statement herein may be punished as a felony under Section 1001, Title 18, U.S. Code.</p>			
APPLICANT'S SIGNATURE		PHS SERIAL NUMBER	DATE
APPLICANT'S NAME (Please type or print)			
OPERATING DIVISION/PROGRAM	BUILDING	ROOM NUMBER	MAIL STOP
STREET ADDRESS	CITY	STATE	ZIP CODE
DUTY STATION'S AREA CODE AND PHONE NUMBER ()			
SUPERVISOR'S ENDORSEMENT			
SUPERVISOR'S SIGNATURE		SUPERVISOR'S NAME (Please type or print)	DATE
<p>* 1. This application must be accompanied by a statement about the officer's reasons for requesting appointment to the Regular Corps and his/her commitment to a career in the Public Health Service Commissioned Corps.</p> <p>2. Any officer who is eligible for assimilation at the permanent O-4 grade or higher must attach to the application a statement from the Head of his/her Operating Division or Program justifying and supporting the application.</p>			
<p>All applications must be endorsed by the officer's immediate supervisor and forwarded to the address to the right. NOTE: If you have not previously submitted evidence in the form of final transcripts of the award of any degrees listed, you should request such transcripts immediately, indicate all those documents which will be forwarded (e.g., masters degree, doctorate, certificate, and/or license), and forward all documents to the address to the right.</p>			
			<p>Division of Commissioned Personnel ATTN: Assimilation Coordinator, PSB 5600 Fishers Lane, Room 4-36 Rockville, MD 20857-0001</p>

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