

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Chapter CC23 -- Staffing  
Subchapter CC23.5 -- Utilization  
Personnel INSTRUCTION 2 -- Transfer and Reassignment of Commissioned Officers

CONTENTS

<u>Section</u>	<u>Subject</u>	<u>Page</u>
A.	Purpose and Scope . . . . .	1
B.	Authority . . . . .	2
C.	Definitions . . . . .	2
D.	Policy . . . . .	3
E.	Procedures . . . . .	4
F.	Cross References . . . . .	7
G.	Historical Notes . . . . .	7
H.	Privacy Act Provisions . . . . .	7

Section A. Purpose and Scope

This INSTRUCTION prescribes policy and procedures to be used for the transfer and reassignment of active-duty commissioned officers:

1. Within an Agency/Operating Division (OPDIV)/Program of the Department of Health and Human Services (HHS); or
2. Between two Agencies and/or OPDIVs of HHS; or
3. Between a HHS Agency/OPDIV and a non-HHS Agency/Program to which Public Health Service (PHS) officers are detailed under a blanket Memorandum of Understanding; or
4. Within non-HHS Agencies/Programs to which PHS officers are detailed under a blanket Memorandum of Understanding.

This policy is inapplicable to new calls to active-duty, recalls to active-duty from the Inactive Reserve Corps, details to States and non-profit institutions, and inter-service transfers. See INSTRUCTION 2, Use of Form PHS-1662, "Request for Personnel Action," Subchapter CC23.6; INSTRUCTION 9 "Short Tours of Active-Duty," Subchapter CC23.5; INSTRUCTION 5, "Detail of PHS Commissioned Officers to States and Nonprofit Institutions," Subchapter CC23.5; and INSTRUCTION 5, "Inter-Service Transfer of Commissioned Officers," Subchapter CC23.3 of the Commissioned Corps Personnel Manual (CCPM) for additional information on these subject

matters.

Section B. Authority

1. Section 215 of the Public Health Service Act (42 U.S.C. §216).
1. 29 Federal Register 1637, effective January 30, 1964, Executive Order No. 11140.
2. 53 Federal Register 3456, dated February 5, 1988.
3. 53 Federal Register 5046, effective February 11, 1988.
4. The Surgeon General (SG) re-delegated authority for daily administration of the PHS Commissioned Corps to the Director, Division of Commissioned Personnel (DCP), in accordance with the Assistant Secretary for Health's Delegation of Authority.
5. Title 42 Code of Federal Regulations 21.33 provides that officers shall be subject to change of station transfers.
6. Assistant Secretary for Management and Budget's memorandum entitled "Review of Commissioned Corps Personnel Practices," dated July 25, 1997.

Section C. Definitions

1. Permanent Change of Station (PCS). A PCS is the detail or transfer of an officer to a different permanent duty station under official orders that do not specify the duty as temporary.

a. There are three types of permanent transfers:

- (1) Inter-Agency/OPDIV/Program. Occurs when an officer is transferred between Agencies/OPDIVs within HHS and Agencies/OPDIVs/Programs that utilize officers on detail or under a Memorandum of Agreement.

*Example:* National Institutes of Health to Food and Drug Administration.

- (2) Intra-OPDIV. Occurs when an officer is transferred between Bureaus, Institutes, Areas, Centers, or Offices within an Agency/OPDIV/Program.

*Example:* Bureau of Primary Health Care to Bureau of Health Professions within the Health Resources and Services Administration.

- (3) Station-to-Station. Occurs when an officer is transferred between permanent duty stations within the same Agency/OPDIV/Program.

*Example:* Phoenix Indian Medical Center (PIMC) to a PIMC satellite clinic within the Phoenix Area, Indian Health Service.

2. Detail. Any assignment in which a commissioned officer of the PHS is ordered to perform duties in or for a non-HHS component (e.g., Federal, State, or any organizational component thereof, or for a Nonprofit Institution (NPI)) in accordance with Title 42 U.S.C. §215. (See INSTRUCTION 5, "Detail of PHS Commissioned Officers to State and Nonprofit Institutions," Subchapter CC23.5 of the CCPM.)
3. Permanent Duty Station (PDS). The post of duty or official station of an officer.
4. Reassignment. A change of duties, responsibilities, and/or billet within the officer's current organization and not necessitating a PCS. A reassignment may be voluntary or involuntary when initiated to meet the exigencies of the Service.
5. Release Date. The last day at the old duty station before travel commences to the new duty station.
6. Temporary Duty. Duty at one or more locations, away from the Permanent Duty Station (PDS), under orders providing for further assignment, or pending further assignment, to return to the old PDS or to proceed to a new PDS. See CCPM Pamphlet No. 51, "Information on Temporary Duty Travel."
7. Transfer. A permanent change of station initiated by the Agency/OPDIV/Program, or any organizational component, in which a PCS is effectuated. A transfer may be voluntary or involuntary.

#### Section D. Policy

1. The SG may reassign/transfer officers to meet the needs of the Service.
2. Officers should seek opportunities which require transfers as a basis for professional growth and/or career development.
  - a. Commissioned officers are expected to be mobile throughout their careers, having three to five geographic and/or professional assignments during the course of a career.
  - b. Agencies/OPDIVs/Programs may initiate voluntary transfers (with the consent of the officer) to meet its needs or the needs of the officer.
  - c. Officers must complete a 2-year tour of duty with an Agency/OPDIV/Program before seeking a voluntary PCS. Exceptions may be made when it is in the best interest of the Government.
  - d. PHS commissioned officers are subject to involuntary transfer or involuntary reassignment at anytime to meet the needs of the organizational component (e.g., Agency/OPDIV/Program/Service/Department.)
3. PHS commissioned officers may be voluntarily or involuntarily transferred to:
  - a. Prepare officers to assume positions of increased responsibility;

- b. Fill positions of program leadership;
  - c. Maximize utilization of individual capabilities; or
  - d. Evaluate officers for retention or as deemed in the best interest of the Service.
4. Form PHS-1662, "Request for Personnel Action - Commissioned Officer," is the document used by Agencies/OPDIVs/Programs to initiate personnel actions for PHS commissioned officers. Detailed instructions for the completion of form PHS-1662 can be found in INSTRUCTION 2, Subchapter CC23.6 of the CCPM.

#### Section E. Procedures

1. Recruitment.

Agency/OPDIV/Program officials are encouraged to recruit qualified commissioned officer candidates to the commissioned corps in filling temporary and permanent vacancies.

Agency/OPDIV/Program Commissioned Corps Liaisons and DCP Staff may assist managers in identifying commissioned officers for vacancies by providing names of applicants and active-duty officers upon request.

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NOTE: Commissioned officers do not undergo the merit promotion/selection process associated with Civil Service.

2. Obtaining Release Dates.

- a. Upon initiating a PCS, the gaining Agency/OPDIV/Program must obtain concurrence and a release date from the officer's supervisor prior to submitting a form PHS-1662 to DCP requesting personnel orders. The release date must be noted in the "Concurrence Information" section of the form PHS-1662. Except as provided in E(3) below, the release date must be within 60-days of the request.
- b. The selecting official/new supervisor will contact the current supervisor to negotiate a release date. The Commissioned Corps Liaison will verify the release date with the Commissioned Corps Liaison of the losing program before forwarding form PHS-1662, "Request for Personnel Action - Commissioned Corps," to DCP for processing.
- c. This release date will be the last date at the old duty station before travel commences to the new duty station.
- d. The losing Agency/OPDIV/Program must release the officer within 60-days of the gaining Agency/OPDIV/Program's request for a release date. The date of the initial request for release of the officer shall be noted in the remarks section (Block 12) of form PHS-1662 by the Commissioned Corps Liaison for the gaining program.
- e. An Agency/OPDIV/Program can require an officer to serve a minimum 2-

year tour with that Agency/OPDIV/Program prior to releasing the officer to another Agency/OPDIV/Program, or duty station.

- f. Normally, PCS requests will be processed if the officer has been in his/her current assignment for at least 2-years. See E(3) below for circumstances under which a PCS request may be denied.
- g. The head or designee of the Agency/OPDIV/Program to which the officer will transfer may waive the 60-day maximum hold time period if it is in the best interest of the Government.
- h. If the gaining and losing supervisor cannot agree on a release date, the matter shall be referred to the Agency/OPDIV/Program Commissioned Corps Liaisons for resolution.
- i. If the Commissioned Corps Liaisons cannot agree on a release date, the matter shall be referred to the SG's Policy Advisory Council (SGPAC) Representatives of the respective Agencies/OPDIVs/Programs.
- j. If the two SGPAC representatives cannot decide on a release date, the matter will be referred to the SG or his/her designee, who shall consult with the SGPAC representatives in selecting a release date.

3. Circumstances under which a release date may be denied by the Head or designee of the Agency/OPDIV/Program to which the officer is currently assigned.

A release date may be denied or delayed beyond 60-days when:

- a. The officer served at the duty station less than 2-years;
- b. The officer is currently in an evaluative assignment;
- c. The officer is critical to the mission during a period of national emergency;
- d. The officer is the subject of a pending investigation or adverse action;
- e. The officer is fulfilling an Agency/OPDIV/Program specific obligation (e.g., a National Health Service Corps scholarship); or
- f. The SG or his/her designee determines that the delay is in the best interest of the Government.

4. Completion of form PHS-1662, "Request for Personnel Action - Commissioned Officer."

- a. Upon selection of an officer to fill a vacancy, the requesting organizational component within the Agency/OPDIV/Program will prepare form PHS-1662, "Request for Personnel Action - Commissioned Officer," to initiate the process of transferring the officer. (See INSTRUCTION 2, Use of Form PHS-1662, "Request for Personnel Action," Subchapter CC23.6 of the CCPM.)
- b. The gaining Agency/OPDIV/Program must obtain a release date from the losing Agency/OPDIV/Program prior to submitting form PHS-1662 to DCP. The requested release date should be noted in Block 12 - "Remarks" on form PHS-1662.

- c. A release date is not required when preparing form PHS-1662 for a commissioned corps applicant being called to duty or an Inactive Reserve Officer being recalled to active-duty.
- d. DCP will issue personnel orders upon receipt of form PHS-1662 from the requesting organization. Officers may not move their household goods, nor perform travel before receiving personnel orders. The "Notice of Arrival" form received with personnel orders must be completed by the officer and returned to the Compensation Branch, DCP, upon arrival at the new duty station.

#### Section F. Cross References

1. INSTRUCTION 2, Use of Form PHS-1662, "Request for Personnel Action," Subchapter CC23.6 of the CCPM.
2. INSTRUCTION 4, "Billet Program," Subchapter CC23.5 of the CCPM.
3. INSTRUCTION 5, "Detail of PHS Commissioned Officers to States and Nonprofit Institutions," Subchapter CC23.5 of the CCPM.
4. INSTRUCTION 5, "Inter-Service Transfer of Commissioned Officers," Subchapter CC23.3 of the CCPM.

#### Section G. Historical Notes

Attached is Commissioned Corps Personnel Manual, INSTRUCTION 2, "Transfer and Reassignment of Commissioned Officers," Subchapter CC23.5. This INSTRUCTION prescribes policy and procedures associated with the transfer and reassignment of commissioned officers within and between Operating Divisions and Agencies of the Department of Health and Human Services (HHS) and non-HHS Agencies or Programs to which commissioned officers of the Public Health Service are assigned or detailed.

#### Section H. Privacy Act Provisions

Personnel records are subject to the Privacy Act of 1974. The applicable system of records is 09-40-0001, "PHS Commissioned Corps General Personnel Records," HHS/PSC/HRS and 09-40-0006, "PHS Commissioned Corps Payroll Records," HHS/PSC/HRS as published in 63 Federal Register 68596 (1998).