



CCI 341.01
EFFECTIVE DATE: 20 July 2020

By Order of the Assistant Secretary for Health:

ADM Brett P. Giroir, M.D.

SUBJECT: Probationary Period

1. PURPOSE: This Instruction sets forth the policy regarding the probationary period which all officers called to active duty in the Commissioned Corps of the Public Health Service (Corps) are required to serve and sets forth the policies and procedures concerning an officer's involuntary separation during the probationary period.
2. APPLICABILITY: This Instruction applies to all members of the Regular Corps and the Ready Reserve Corps.
3. AUTHORITY:
 - 3-1. [42 U.S.C. §202](#), "Administration and Supervision of Service"
 - 3-2. Commissioned Corps Directive (CCD) [111.03](#), "Conditions of Service"
 - 3-3. [CCD 123.01](#), "Involuntary Separation"
 - 3-4. [CCD 111.02](#), "Disciplinary Action"
4. PROPONENT: The proponent of this Instruction is the Assistant Secretary for Health (ASH). The responsibility for ensuring the day-to-day management of the Corps belongs to the Surgeon General (SG).
5. SUMMARY OF REVISIONS AND UPDATES: This is the first issuance of this Instruction in the electronic Commissioned Corps Issuance System (eCCIS) and replaces Commissioned Corps Personnel Manual (CCPM) CC23.7.1, "Involuntary Separation During the Probationary Period Served by Officers on Active Duty in the Reserve Corps," dated 5 November 1996.

6. POLICY:

- 6-1. Probationary Period. All officers appointed to either the Ready Reserve Corps or Regular Corps (including those appointed at the P-O3 level or higher) serve a probationary period that consists of the first 36 months of any appointment, reappointment, or call to active duty.
- 6-2. The requirement to serve a probationary period applies to each change of appointment status as either a Ready Reserve Corps or Regular Corps officer. This requirement applies whether or not there is a break in service (e.g., a Ready Reserve Corps officer who transitions to an appointment in the Regular Corps without a break in service begins a new probationary period that commences on the effective date of appointment to the Regular Corps, an officer on the Temporary Disability Retired List (TDRL) who is subsequently found fit for duty and returns to active duty begins a new probationary period upon their recall to active duty, etc.). A member of the Ready Reserve Corps in a non-active status who is activated and/or called to active duty as a Ready Reserve Corps officer and then subsequently returns to a non-active status is not a change in the officer's appointment status.
- 6-3. The SG or Director, Commissioned Corps Headquarters (CCHQ), may extend the probationary period when an officer's program, the Corps, or other authorized official (e.g., Office of the Inspector General, law enforcement) has initiated an investigation on the officer during the probationary period regarding, but not limited to, conduct, performance, or medical fitness for duty. An extended probationary period will end within 90 calendar days of completion of the investigation, but in no case shall it extend beyond four years. If the probationary period is extended beyond 36 months, the Director, CCHQ, or his/her designee, will notify the officer as soon as practicable, however, notification may be delayed if such notification could compromise an ongoing investigation.
- a. The authority to extend the probationary period beyond 36 months does not apply to an officer originally appointed to the Regular Corps in the Senior Assistant grade or above (see CCI 341.02, "Regular Corps Records Review").
- b. The Corps cannot separate an officer under this Instruction if the officer is undergoing a medical investigation and is found unfit for duty by a Medical Review Board (MRB) or a Medical Appeals Board (see [CCI 393.01](#), "Medical Review Board," and [CCI 393.02](#), "Medical Appeals Board"). However, the SG may separate an officer in accordance with this Instruction if an MRB or Medical Appeals Board finds the officer fit for full duty or fit for limited duty.
- 6-4. The SG may separate an officer at any time during the probationary period without having the officer's case considered by a board of officers. However, the Director, CCHQ, should review and consider all available information on the officer prior to making recommendation to the SG regarding whether the officer should be separated from active duty.
- a. The Director, CCHQ, must submit his/her recommendation to separate a Ready Reserve Corps or Regular Corps officer to the SG for his/her approval.
- b. When the SG determines that the officer's separation is in the best interest of the Corps, the officer's separation must be effected prior to the officer's completion of the probationary period, or prior to the expiration of an extended probationary period if applicable. Otherwise, the Corps must apply procedures applicable to involuntary separation after completion of the probationary period.

- 6-5. During this probationary period, the SG may separate an officer for any lawful reason including, but not limited, to:
- a. Misconduct (see [CCI 211.07](#), “Accountability for Conduct and Performance”);
 - b. Refusal to accept reassignment;
 - c. Failure to meet a condition of service (see [CCD 111.03](#), “Conditions of Service”);
 - d. Non-compliance with the Corps’ uniform policies or refusal wear the prescribed Corps uniform of the day on a daily basis in the performance of the officer’s official duties;
 - e. Unsuitability, i.e., the officer demonstrates general traits that make him/her unsuitable for continued service;
 - f. Failure to demonstrate the level of dedication to duty, attitude, or attributes expected of an officer in the Uniformed Services;
 - g. Substandard performance or clinical incompetency;
 - h. Unsatisfactory conduct before appointment and/or call to active duty that is discovered subsequent to entry on duty which, had it been known, would have made the officer unsuitable for appointment to the Corps and/or call to active duty;
 - i. Lack of need or funding (e.g., abolishment of a position(s), personnel or budgetary limitations, reorganization or realignment of functions, etc.). Moreover, in certain categories and grade levels, the Corps may have diminishing needs for career officers and only a percentage can be retained beyond a 36 month commitment;
 - j. A lack of assignment after completing a departmental program or detail from another agency (e.g., returns to service, completion of an Epidemic Intelligence Service assignment, etc.);
 - k. Failure to obtain or maintain a favorably adjudicated background investigation (see [CCD 111.03](#), “Conditions of Service,” and [CCI 231.04](#), “Background Investigation Requirement”) and/or obtain or maintain eligibility for the level of security clearance required by either the Corps or position to which the officer is assigned, including the discovery of information which could impact the ability of the officer to obtain or maintain these requirements;
 - l. Failure to maintain an unrestricted license or certification in good standing and without limitations, when a license or certification is mandated for the officer’s category (see [CCI 251.01](#), “Professional Licensure and Certification”);
 - m. Failure to attend, complete, or pass the Officer Basic Course (OBC) within 90 calendar days of reporting to their initial duty station or within 180 calendar days if the SG grants an extension (see [CCI 325.05](#), “Officer Development Training”); and/or
 - n. A determination that the Corps’ decision/approval to appoint the officer did not properly adhere to the regulations or policies that govern the appointment of candidates to the Corps specifically as the decision/approval relates to information and conditions that disqualify candidates for an appointment when the information was disclosed by the officer during the appointment process (e.g., a disqualifying

medical condition or inability/unwillingness to meet the uniform grooming and appearance requirements).

- 6-6. Notification of Separation. When the Director, CCHQ, makes a recommendation to separate an officer from active duty who is in the probationary period, the Director, CCHQ, or his/her designee, will give the officer at least 15 calendar days advance notice of the separation. No further notification is required if the date of separation is delayed pending approval by the SG or due to a medical investigation as outlined in Section 8-3. If the separation is approved by the SG, the officer shall be separated on the fifteenth day; the date the SG approves the recommendation; another date determined by the SG; or, if applicable, the date of the final decision regarding the outcome of the officer's medical issue; whichever is later.
- 6-7. The Director, CCHQ, may place the officer in a Non-Duty With Pay status (NDWP) (see [CCI 611.03](#), "Nonduty With Pay Status") until the date of separation. Alternatively, under extraordinary conditions, an agency or program that chooses not to place the officer into NDWP the Director, CCHQ, or the officer's program may direct the officer to duty while awaiting separation.
- 6-8. Divestment.
- a. Annual Leave. The Director, CCHQ, shall divest an officer of the transfer of, use of, or lump sum payment of unused annual leave if separation is a consequence of the officer's misconduct, refusal to accept a reassignment, failure to comply with the Corps' uniform policies, or failure to comply with the Corps' force readiness standards.
 - b. Travel and Transportation of Household Goods (HHG). The Director, CCHQ, shall divest travel for the officer and/or his/her dependents and transportation of HHG under circumstances authorized in the JTR when such divestment is warranted.
 - c. Annual Leave and Travel and Transportation of HHG. The Director, CCHQ, shall divest an officer of travel and transportation of HHG and deny the transfer of, use of, and payment for unused annual leave if the officer fails to submit a Form PHS-1373, "Separation of Commissioned Officer," in accordance with guidance provided by the Director, CCHQ, or his/her designee.
 - d. If divestment is indicated, the Director, CCHQ, in consultation with the officer's Operating/Staff Division (OPDIV/STAFFDIV)/non-Health and Human Services organization Head or designee, may authorize travel and transportation of HHG and/or transfer of, use of, or lump sum payment of unused annual leave if it is determined that such authorization is in the best interests of the government.
- 6-9. Indebtedness to the Government. Separation, whether it is under voluntary or involuntary circumstances, including during probation, does not absolve an officer of indebtedness to the Federal Government, including, but not limited to, overpayments, a financial obligation for training received under a scholarship or similar training program, loan repayment, or special pay agreement that obligated the officer to serve for a specified period or, as a penalty, to pay a financial obligation for failure to complete the required period of service under any agreement.
- 6-10. Characterization of Service. The SG will characterize the officer's service as "honorable" unless the separation is due to the officer's misconduct or failure to adhere to the Corps'

conditions of service (see CCD 111.03, "Conditions of Service"), in which case the SG may add the notation "for the good of the Service."

6-11 Three-Year File Review after Probation Ends

- a. After an officer appointed to the Regular Corps at the P-O3 grade or higher has completed his/her probationary period, the Director, CCHQ, or his/her designee, and the Operating Division (OPDIV)/Staff Division (STAFFDIV) or outside organization to which the officer has been assigned will review the officer's records according to criteria defined in [CCI 341.02](#), "Regular Corps Record Review." If the officer fails to meet these criteria, they can send his record to a Three-Year File Review Board (FRB) that can recommend retention, reassignment, or termination of the officer's commission.
- b. An officer who disagrees with the report of the FRB can submit a written response for consideration by the SG as specified in CCI 341.02.
- c. If the Corps does terminate the officer's commission on the recommendation of the FRB, the Corps must pay the dismissed officer a severance of six months basic pay and allowances in accordance with 42 USC 211(i).
- d. The Corps must initiate this review process after the end of the officer's third year of service and complete it by the end of the officer's fourth year.
- e. Officers in the Ready Reserve Corps do not go through this Three-Year File Review.

7. RESPONSIBILITIES:

- 7-1. The SG is delegated the authority to involuntarily separate officers during the probationary period and to summarily terminate the commissions of Ready Reserve Corps or Regular Corps officers. The authority to terminate a Regular Corps officer's commission may not be further delegated.
- 7-2. The Director, CCHQ, is responsible for:
 - a. Monitoring officers who are in the probationary period and for making a recommendation to the SG regarding the termination of a Regular Corps officer's commission.
 - b. Issuing a Statement of Service or equivalent to officers separating from active duty which shall include the appropriate separation information (e.g., type of separation, character of service, authority, reason for separation, re-entry code) on the statement of service. The Director, CCHQ, will also determine information related to the separation of an officer needed and/or required by the Defense Manpower Data Center; Department of Veterans Affairs; and/or any other Federal or State agency.
- 7-3. Supervisors and managers of officers, individuals in the officer's chain of command, and Commissioned Corps Liaison are responsible for reporting to the Director, CCHQ, any instances of misconduct, substandard performance, or any other violations of the conditions of service at any time during an officer's career.

- 7-4. Each officer is responsible for adhering to the guidelines established in this Instruction and any operational guidelines established by the SG and/or Director, CCHQ, or their designees.
- a. It is the officer's responsibility to be familiar with the published policies that apply to all Corps officers and maintain an ongoing awareness of updates and changes to Corps policies and operational guidelines.
 - b. An officer must maintain current and updated contact information (e.g., e-mail, phone, address) as established by the Director, CCHQ, or designee, in order to facilitate the Corps' communication of information to the officer.
 - c. An officer must adhere to all guidelines and communications provided by the SG and/or CCHQ.
 - d. It is the officer's responsibility to review his/her electronic Official Personnel Folder (eOPF) on an ongoing basis to ensure that its contents are up to date and accurate. The officer is responsible for reporting any discrepancies and errors in his/her eOPF in accordance with guidelines and communications from the SG and/or CCHQ.
8. PROCEDURES:
- 8-1. An officer who is separated under this Instruction is not required to submit a Form PHS-1373. However, in order to ensure personnel orders are processed with the most accurate information for the officer after his/her separation, the Corps recommends that the officer submit the PHS 1373 in accordance with guidance provided by the Director, CCHQ, or his/her designee (see Section 6-8 and [CCI 387.01](#), "Separation of Commissioned Officer").
- 8-2. An officer's supervisor, individual in the officer's chain of command, or Commissioned Corps Liaison may make a recommendation to the Director, CCHQ, to separate an officer in probation. Such requests should include a justification for the recommendation and include any associated documentation.
- 8-3. Disability Requests. In the event that the Director, CCHQ, has initiated action to separate an officer or the SG has made a decision to separate an officer, and the officer has a pending fitness evaluation, disability request, or any other medical request:
- a. A probationary separation may continue at the discretion of the SG or Director, CCHQ, or the SG or Director, CCHQ, may delay the probationary separation date and extend the probationary period to allow the medical investigation to continue (see Section 6-3).
 - b. If a medical investigation indicates that further review by a Medical Review Board (MRB) is not warranted, as determined by the Director, CCHQ, (see [CCI 393.01](#), "Medical Review Board") or if a medical board finds the officer fit for full duty, then the Corps may separate the officer.
 - c. If the officer fails to supply requested information within the timeframe specified by Medical Affairs, CCHQ, or fails to undergo an examination that is requested by Medical Affairs in preparation for review by a MRB or Medical Appeals Board within the timeframe specified by Medical Affairs, then the Corps may separate the officer.
 - d. A decision by the SG to medically separate an officer shall take precedence over a decision to separate the officer under this Instruction. In such cases the Director,

CCHQ, shall medically separate the officer on the date the SG approves the medical board's recommendation or the date that fulfills the notification requirement in Section 6-6, whichever is later.

- e. If the final decision of the medical investigation is that the officer is fit for full duty, then the SG's probationary separation decision becomes effective on the date the SG approves the medical board's recommendation, the date that the Director, CCHQ, concludes the medical investigation (see Section 8-3.b.), or the date that fulfills the notification requirement in Section 6-6., whichever is later.
- f. An officer placed on TDRL must fully cooperate in a timely manner with requests by CCHQ for medical documentation for review by a medical board to determine the officer's fitness for return to duty. If a medical board recommends a return to active duty of an officer on TDRL, a probationary separation decision under this Instruction is effective on the date the SG approves the medical board's recommendation.

8-4. Appeal Rights. No appeal rights are available to officers who are separated during the probationary period.

8-5. Board for Correction of PHS Commissioned Corps Records. An officer who feels that an error or injustice remains in his/her record may make application to the Board for Correction only after exhausting all administrative remedies. The Corps shall construe a failure to complete/initiate available administrative remedies as the officer relinquishing his/her right to proceed with an application to the Board for Correction.

- 9. HISTORICAL NOTES: This is the first issuance of this Instruction within the eCCIS and creates a standalone Instruction within the eCCIS and replaces CCPM CC23.7.1, dated 5 November 1996.