

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service

Chapter 23--Staffing
Subchapter CC23.8--Retirement
Personnel INSTRUCTION 1--Types of Retirement and Creditable Service for
Retirement Eligibility

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Section A. Purpose and Scope

1. This INSTRUCTION explains the types of retirement available to PHS commissioned officers under the commissioned corps personnel system and the service which is creditable in determining length of service when required to establish eligibility for retirement.
2. Additional information concerning policy and procedures governing the various types of retirement, including the computation of retired pay, is contained in Personnel INSTRUCTIONS of Subchapter CC23.8

Section B. Authorities

The statutory authorities for determining eligibility for retirement as stated in this INSTRUCTION are set forth in:

42 U.S.C. 211(g)(2) - Failure of promotion to the permanent senior grade.

42 U.S.C. 212(a)(1),(2),(3), and (5) - Age, length of service, and flag rank (pay grades 0-7 and above) retirement.

42 U.S.C. 212(d) - Creditable active service for nondisability retirement.

42 U.S.C. 212(f) and 10 U.S.C. 1201 et seq. - Disability retirement.

Section C. Types of Retirement

1. Age 64 and Older. There is no mandatory retirement age for PHS commissioned officers. An officer shall, if he/she applies for retirement, be retired on or after the first day of the month following the month in which he/she attains the age of 64 years. There are no restrictions on retirement after an officer reaches age 64. If an officer applies for such retirement, he/she will be retired, regardless of the length of his/her creditable service for retirement eligibility.
2. 30-Year Retirement. An officer may be retired, either voluntarily or involuntarily, on the first day of any month after he/she completes 30 years of creditable service. There are no restrictions or conditions for voluntary retirement. If an officer applies for such retirement, he/she will be retired. Additional information concerning policies and procedures governing the involuntary retirement after 30 years of creditable service is contained in Subchapter CC23.8.
3. 20-Year Retirement. An officer may be retired, either voluntarily or involuntarily, after he/she completes 20 but less than 30 years of creditable service. Additional information concerning policies and procedures governing voluntary and involuntary retirement after 20 years of creditable service is contained in Subchapter CC23.8.
4. Flag Rank Retirement. An officer who has served a total of four or more years in the flag ranks (pay grade 0-7 or above) may be retired at his/her request, with the approval of the Secretary, after completing 25 years of creditable service. The authority to approve the flag rank retirement is vested by law in the President but has been delegated to the Secretary by Executive Order 11140, dated January 30, 1964.
5. Disability Retirement. An officer unfit to perform the duties of his/her office or grade because of physical disability may be retired as provided under procedures outlined in CCPM Pamphlet NO. 47, Disability Evaluation Manual for the PHS Commissioned Corps.
6. Failure of Promotion. A regular corps officer who twice fails to be recommended for promotion to the permanent senior grade will be retired at such time as may be determined by the approving official. This retirement is not applicable when the senior grade is a restricted grade for the officer's category. The retirement, therefore, is not applicable to a regular corps officer holding an appointment in the dietitian, health services, nurse, pharmacist, sanitarian, or therapist categories.

Section D. Creditable Service

1. Length of Service Retirement. Creditable service for establishing eligibility for length of service retirement (i.e., 20 or more years of service) includes:

- a. All active service (enlisted and commissioned) in any of the uniformed services; plus
- b. Employment with PHS, other than as a PHS commissioned officer which is comparable to service performed by an officer, not to exceed the last five years of such employment. For purposes of this paragraph, creditable service includes any PHS employment, subsequent to receipt of a baccalaureate degree, in professional positions (i.e., positions normally classified at two-grade intervals under the General Schedule (GS) pay system) at grade level GS-5 or above as well as equivalent level positions (e.g., Senior Executive Service).

Exception: If the officer entered on active duty before the date of this INSTRUCTION, creditable service includes employment as a nurse with PHS after registration as a graduate nurse under a nurse practice act of a state or the District of Columbia.

- c. All active service (other than service included in Section C.1.a. and b., above) which is creditable for retirement purposes under the laws governing the retirement of members of any of the uniformed services.
2. 20-Year Retirement. Creditable service for 20-year voluntary retirement eligibility includes the service stated in Section D.1., above. However, to be eligible for consideration for voluntary retirement after completing 20 years but less than 30 years, an officer must have at least 10 years of active commissioned service in any of the uniformed services; and must have at least 10 years of service with PHS which includes the PHS civil service employment referred to in Section D.1.b., above.
 3. Disability Retirement. An officer who is otherwise eligible for disability retirement (see CCPM Pamphlet No. 47) must have a disability rating of at least 30 percent under the Veterans Administration Schedule for Rating Disabilities as modified by Department of Defense Directive 1332.18; or have at least 20 years of creditable service for retirement. Creditable service under this paragraph includes service described in Section D.1., above, except that in the case of an officer who was on active duty in the reserve corps on June 30, 1960, it includes all civil service employment with PHS.
 4. Flag Rank Retirement. An officer who served a total of four or more years in the flag ranks (pay grade 0-7 or above) may retire after completing 25 years of active service with PHS. Creditable service for this retirement includes only active service as a PHS commissioned officer, referred to in Section D.1.b., above.