

U.S. DEPARTMENT OF HEALTH  
AND HUMAN SERVICES

PERSONNEL OPERATIONS MEMORANDUM



POM 821.75  
EFFECTIVE DATE: 31 January 2022

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By Order of the Surgeon General of the U.S. Public Health Service:

VADM Vivek H. Murthy, MD, MBA

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TO: All members of the Regular Corps and the Ready Reserve Corps.

SUBJECT: Readiness Compliance

1. This Personnel Operations Memorandum (POM) outlines the enforcement of the U.S. Public Health Service (USPHS) Commissioned Corps' basic force readiness standards, as established by the Assistant Secretary for Health (ASH); and specifies the progressive action(s) that may occur if a Public Health Service (PHS) officer, without a waiver under policy established by the ASH, fails to maintain continual compliance with the basic level of force readiness requirements in accordance with Commissioned Corps Directive (CCD) [111.03](#), "Conditions of Service," [CCD 121.02](#), "Deployment and Readiness," and Commissioned Corps Instruction (CCI) [241.01](#), "Readiness and Duty Requirements."
2. Commissioned Corps Headquarters (CCHQ) performs basic level force readiness checks for the entirety of the USPHS Commissioned Corps on the first day of each month.
  - a. The USPHS Commissioned Corps will identify and mark as "Not Qualified," officers who, absent an approved waiver, fail to meet or maintain the basic level of force readiness ("readiness requirements"). These officers are:
    - (1) Non-deployable by the USPHS Commissioned Corps;
    - (2) Not eligible for promotion in accordance with [CCI 331.01](#), "Permanent Grade Promotions," and [CCI 332.01](#), "Temporary Promotions;"
    - (3) Not eligible for any awards under [CCI 511.01](#), "Awards Program;"
    - (4) Not eligible for appointment to a group, committee, or board chartered or convened by the Office of the Surgeon General; and
    - (5) Not eligible to enter into a special pay agreement (see [CCI 633.01](#), "Special Pays," and [CCI 633.06](#), "Assignment Duty Pay").
  - b. An officer identified and marked as "Not Qualified" on the first of the month will continue to be marked as "Not Qualified" on the first of subsequent months until the officer rectifies the deficiency. Upon the officer's return to "Qualified" status, the previous lapse(s) in readiness and "Not Qualified" status remain in the officer's historic readiness records.

- c. If an officer is experiencing an issue that will prevent him/her from achieving a readiness requirement, the officer should proactively communicate with CCHQ before the readiness check on the first of the month. CCHQ cannot make retroactive changes if the officer fails to communicate or address readiness information or status with CCHQ and is subsequently identified and marked as “Not Qualified,” except as specified in 2.d. below.
  - d. If an officer believes there is an error regarding the determination of the officer’s readiness status, or if there are unusual or extenuating circumstances that did not allow the officer to correct and/or update their basic force readiness status before a lapse in readiness occurred, the officer may submit a written request within 90 days of being marked as “Not Qualified.” The officer must include supporting documentation with the request and submit it directly to the Readiness and Deployment Branch (RDB), CCHQ. If the officer’s claim is substantiated, RDB will review and, if approved, correct the officer’s record as appropriate. RDB will not accept nor review requests that are submitted more than 90 days after an officer is marked as “Not Qualified.”
  - e. **Weight Standards.** All Regular Corps and Ready Reserve Corps officers must maintain compliance with Retention Weight Standards. [POM 821.66](#), “Retention Weight Standards,” outlines the implementation and enforcement of the USPHS Commissioned Corps’ Retention Weight Standards as a condition of service per CCD 111.03, “Conditions of Service,” and CCI 241.01, “Readiness and Duty Requirements.”
    - (1) All officers must report their height, weight, and Body Mass Index (BMI) information as outlined in POM 821.66.
    - (2) Officers identified as non-compliant with Retention Weight Standards must follow instructions and work towards reaching compliance status as outlined in CCI 241.01 and POM 821.66.
    - (3) CCHQ will mark an officer who fails to meet the Retention Weight Standards or fails to demonstrate quarterly progress as outlined in POM 821.66 as “Not Qualified” and continue to identify this officer as “Not Qualified” in subsequent monthly readiness checks until the officer meets the requirements outlined in POM 821.66.
3. **Non-Compliance.** Except as outlined in Section 7., any PHS officer who fails to maintain continual compliance with the basic level of force readiness requirements will be subject to the actions outlined below. These steps are guidelines for the Director, CCHQ; they are not timing or disciplinary progression rights for the officer.
- a. When an officer fails to meet or maintain the basic level of force readiness (i.e., on the date the officer is marked as “Not Qualified”), CCHQ will notify the officer, the immediate supervisor, and relevant Commissioned Corps Agency Liaison (Liaison).
  - b. At “Not Qualified,” plus one month (i.e., “Not Qualified” on the first day of two consecutive months), CCHQ will again notify the officer, the immediate supervisor, and relevant Liaison. The Director, CCHQ, or designee, will issue the officer a Letter of Counseling (LOC), which will also be forwarded to the officer’s immediate supervisor and Liaison.
  - c. At “Not Qualified,” plus two months (i.e., “Not Qualified” on the first day of three consecutive months), RDB will notify the officer, the immediate supervisor, and relevant Liaison. The Director, CCHQ, or designee, will issue the officer a Letter of Reprimand (LOR) which will be active for a period of 2 years. The LOR will be shared with the officer’s immediate supervisor and Liaison. During the period of the active LOR, the USPHS Commissioned

Corps will not consider the officer for any awards under the Awards Program (CCI 511.01), promotion, deployment, and special pays and may also terminate a special pay in accordance with the applicable Instruction.

- d. At “Not Qualified,” plus three months (i.e., “Not Qualified” on the first day of four consecutive months), CCHQ will notify the officer, the immediate supervisor, and relevant Liaison. CCHQ will send the officer to the appropriate separation process. The appropriate process may include a probationary separation, an Involuntary Retirement Board (IRB), Involuntary Termination Board (ITB), or a Board of Inquiry (BOI) (see [CCD 111.02](#), “Disciplinary Actions,” [CCD 123.01](#), “Involuntary Separation,” [CCI 211.07](#), “Accountability for Conduct and Performance,” [CCI 341.01](#), “Probationary Period,” [CCI 382.03](#), “Involuntary Termination of Commission,” and [CCI 385.01](#), “Involuntary Retirement (20 Years)”).
4. Non-Consecutive Non-Compliance. Except as outlined in Section 7., any PHS officer who fails to maintain basic level of force readiness standards and is marked as “Not Qualified” for 5 or more months in a 24-month period will be subject to the actions outlined below. These steps are guidelines for the Director, CCHQ; they are not timing or disciplinary progression rights for the officer.
    - a. Upon marking an officer as “Not Qualified” for the third time, the Director, CCHQ, or designee, will issue the officer an LOC, which will also be forwarded to the officer’s immediate supervisor and Liaison.
    - b. Upon marking an officer as “Not Qualified” for the fourth time, the Director, CCHQ, or designee, will issue the officer an LOR which will be active for a period of 2 years. CCHQ will share the LOR with the officer’s immediate supervisor and Liaison. During the period of the active LOR, the USPHS Commissioned Corps will not consider the officer eligible for any awards under the Awards Program (CCI 511.01), promotion, deployment, and special pays and may also terminate a special pay in accordance with the applicable Instruction.
    - c. Upon marking an officer as “Not Qualified” for the fifth time, CCHQ will send the officer to the appropriate separation process (e.g., probation, IRB, ITB, or BOI) (see [CCD 111.02](#), [CCD 123.01](#), [CCI 211.07](#), [CCI 341.01](#), [CCI 382.03](#), and [CCI 385.01](#)).
  5. The USPHS Commissioned Corps will not identify an officer as “Not Qualified” if the officer has an approved medical or administrative waiver for one or more basic readiness requirements. This holds true only for the duration of the approved waiver and for the specific readiness item covered under the waiver. The USPHS Commissioned Corps will require the officer to continuously meet and maintain the remaining requirements for meeting the basic level of force readiness.
  6. This POM is not retroactive; therefore, any adverse action that has already occurred, is in the process of being considered, or is currently active will not be subject to review or change in previously adjudicated decisions.
  7. If the ASH denies an officer’s health and immunization religious accommodation request, the officer must promptly comply with the health and immunization requirement. An officer who fails to promptly comply will be subject to the actions outlined below. These steps are guidelines for the Director, CCHQ; they are not timing or disciplinary progression rights for the officer.
    - a. The Director, CCHQ, or designee, will issue an LOR to an officer who fails to comply with the health and immunization requirement within 7 days of CCHQ notifying the officer that the ASH denied their request for an accommodation.

- b. The Director, CCHQ, or designee, will issue a second LOR to an officer who fails to comply with the health and immunization requirement within 7 days of CCHQ issuing the LOR outlined in Section 7.a.
  - c. If the officer fails to comply within 7 days of CCHQ issuing the LOR outlined in Section 7.b, CCHQ will send the officer to the appropriate separation process (e.g., probation, IRB, ITB, or BOI) (see CCD 111.02, CCD 123.01, CCI 211.07, CCI 341.01, CCI 382.03, and CCI 385.01).
  - d. For the purpose of this Section, “comply” means that for immunizations an officer must obtain the immunization (or first dose if multiple doses are required). If multiple doses are required, “comply” also means that the officer must obtain the subsequent dose(s) within 5 days of the earliest date that the subsequent dose(s) are due to be administered.
8. Each officer bears the sole responsibility to update and maintain evidence of their compliance with the readiness requirements. Therefore, the absence of providing a notification as outlined in Sections 3. and 4. does not excuse an officer's failure to maintain their compliance. Additionally, the USPHS Commissioned Corps continues to maintain the authority to take any of the actions outlined in Sections 3., 4., and 7. (i.e., issue an LOC or LOR, and referral to an appropriate separation process). Furthermore, the USPHS Commissioned Corps may invoke any of these actions without following a sequential order (e.g., can issue an LOR without first issuing an LOC).
9. This POM replaces POM 821.75, “Readiness Compliance,” dated 22 March 2021 and will remain in effect until superseded or rescinded.

Vivek H. Murthy, MD, MBA  
VADM, USPHS  
Surgeon General