

U.S. DEPARTMENT OF HEALTH  
AND HUMAN SERVICES

PERSONNEL OPERATIONS MEMORANDUM



POM 821.88  
EFFECTIVE DATE: 8 October 2023

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

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TO: All O-3, O-4, and O-5 Grade Officers of the Regular Corps and the Ready Reserve Corps

SUBJECT: Below the Zone Promotion and Special Promotion Examination

1. This Personnel Operations Memorandum (POM) sets forth the eligibility requirements that an officer must meet in order to be eligible for a nomination for a Below the Zone (BTZ) promotion examination or a Special Promotion Examination (SPE) in accordance with Commissioned Corps Instruction (CCI) [331.01](#), "Permanent Promotions." This POM also establishes the operational procedures by which Commissioned Corps Headquarters (CCHQ) accepts potential nominations for a BTZ and SPE examination.
2. Eligibility for BTZ and SPE Promotion Examinations. BTZ promotions are for truly exceptional officers who are performing at a high level, in a position rated higher than the officer's current grade, and who have demonstrated leadership and made broad impacts in their discipline and assigned programs. A Health and Human Services (HHS) Operating Division (OPDIV), Staff Division (STAFFDIV), and non-HHS organization to which officers are assigned may nominate an officer for a BTZ or SPE promotion examination as follows:
  - a. BTZ Eligibility. The officer:
    - (1) Is within 1 year (or 2 years if the Surgeon General (SG) approves in accordance with Section 3.c.(4)) of meeting the eligibility criteria outlined in [CCI 331.01](#), "Permanent Promotions." during the promotion year (PY);
    - (2) Is at the O-3, O-4, or O-5 grade;
    - (3) Is in a billet that has a rating that is above their current grade;
    - (4) Is not:
      - (a) Marked as "Not Qualified" in accordance with [POM 821.75](#), "Readiness Compliance," for 2 or more times in the 12 months prior to the month in which the Director, CCHQ, requires receipt of nominations for a BTZ promotion examination (e.g., if the Director, CCHQ, requires receipt of requests on 15 November 2023, the dates checked will be 1 November 2022 through and including 1 October 2023).

- (b) Marked as “Not Qualified” in accordance with [POM 821.75](#), “Readiness Compliance,” more than 6 times in the 5 years prior to the month in which the Director, CCHQ, requires receipt of nominations for a BTZ promotion examination. However, if the officer has been on duty in the USPHS Commissioned Corps for 4 years, then they must not be marked as “Not Qualified” more than 5 times since their appointment to the USPHS Commissioned Corps (or no more than 4 times if they have been on duty between 3 and 4 years, 3 times if on duty between 2 and 3 years, and 2 times if on duty between 1 and 2 years).
- (5) Is rated as satisfactory on their most recent annual Commissioned Officers’ Effectiveness Report (COER);
- (6) Has all required COERs for the past five (5) years in the officer’s electronic Official Personnel Folder (eOPF), unless the officer has been on duty in the USPHS Commissioned Corps for less than five years in which case all required COERs since their appointment to the USPHS Commissioned Corps are required. However, the Director, CCHQ, without further delegation, in consultation with the Agency Liaison and with consideration of the specific circumstances, may exempt an officer from the requirement to have an Annual COER. If the Director, CCHQ, exempts the officer from the requirement to have an Annual COER, CCHQ will annotate the officer’s eOPF to reflect this decision; and
- (7) Does not have any active administrative or adverse action(s).
- (a) Letter of Reprimand (LOR). An officer must not have an LOR with effective date or end date that is in the 12 months prior to and including the first day of the month in which the Director, CCHQ, requires receipt of nominations for a BTZ promotion examination.
- (b) Absence Without Leave (AWOL). An officer must not have an AWOL personnel order for one or more days issued in the 12 months prior to and including the first day of the month in which the Director, CCHQ, requires receipt of nominations for a BTZ promotion examination.
- (c) Pending Board. An officer must not have an involuntary separation process/board started/convened, whether not the process has concluded/met, to determine the officer’s continuation on active duty. Such processes/boards include, but are not limited to Probationary separations, Involuntary Termination Board (ITB), Board of Inquiry (BOI), Involuntary Retirement Board (IRB), and Medical Review Board (MRB).
- b. SPE Eligibility. The officer:
- (1) Was not examined by a Permanent Promotion Board (PPB) for a BTZ promotion to the grade for which a SPE nomination would be considered.
- (2) Was not promoted while In the Zone (ITZ) and Above the Zone (ATZ) to the restricted O-4 grade, restricted O-5 grade, or O-6 grade.
- (3) Has had two or more years elapse since the officer’s ATZ examination or since the officer twice failed promotion while ITZ and/or ATZ. The two years is measured from the beginning of the PY for which the last PPB examination occurred and the beginning of the PY for which the SPE is being requested.
- (4) Is at the O-3, O-4, or O-5 grade;

- (5) Is in a billet rated above their current grade;
  - (6) Is not:
    - (a) Marked as “Not Qualified” in accordance with [POM 821.75](#), “Readiness Compliance,” for 2 or more times in the 12 months prior to the month in which the Director, CCHQ, requires receipt of nominations for a SPE promotion examination (e.g., if the Director, CCHQ, requires receipt of requests on 15 November 2023, the dates checked will be 1 November 2022 through and including 1 October 2023); or
    - (b) Marked as “Not Qualified” in accordance with [POM 821.75](#), “Readiness Compliance,” more than 6 times in the 5 years prior to the month in which the Director, CCHQ, requires receipt of nominations for a SPE promotion examination.
  - (7) Is rated as satisfactory on their most recent annual COER;
  - (8) Has all required COERs for the past five (5) years in the officer’s eOPF. However, the Director, CCHQ, without further delegation, in consultation with the Agency Liaison and with consideration of the specific circumstances, may exempt an officer from the requirement to have an Annual COER. If the Director, CCHQ, exempts the officer from the requirement to have an Annual COER, CCHQ will annotate the officer’s eOPF to reflect this decision; and
  - (9) Does not have any active administrative or adverse action(s).
    - (a) Letter of Reprimand (LOR). An officer must not have an LOR with effective date or end date that is in the 12 months prior to and including the first day of the month in which the Director, CCHQ, requires receipt of nominations for a SPE promotion examination.
    - (b) Absence Without Leave (AWOL). An officer must not have an AWOL personnel order for one or more days issued in the 12 months prior to and including the first day of the month in which the Director, CCHQ, requires receipt of nominations for a SPE promotion examination.
    - (c) Pending Board. An officer must not have an involuntary separation process/board started/convened, whether not the process has concluded/met, to determine the officer’s continuation on active duty. Such processes/boards include, but are not limited to Probationary separations, Involuntary Termination Board (ITB), Board of Inquiry (BOI), Involuntary Retirement Board (IRB), and Medical Review Board (MRB).
3. Call for Nominations.
- a. CCHQ Notification of Potentially Eligible Officers.
    - (1) BTZ. CCHQ will provide each OPDIV, STAFFDIV, and non-HHS organizations to which officers are assigned a list of officers to review and consider for a BTZ nomination. Such officers must be in the O-3, O-4, and O-5 grades who are within 1 year (or 2 years if the SG approves in accordance with Section 3.c.(4)) of meeting the eligibility criteria outlined in [CCI 331.01](#), “Permanent Promotions.”

- (2) SPE. CCHQ will provide each OPDIV, STAFFDIV, and non-HHS organizations a list of officers to review and consider for an SPE nomination. Such officers must be in the O-3, O-4, and O-5 grades who were not promoted while ITZ or ATZ.
  - b. Unless the Surgeon General (SG) establishes a different number of officers who may be nominated/designated for BTZ and/or SPE promotion examination (see Section 3.c.), each OPDIV, STAFFDIV, and non-HHS organization to which officers are assigned may nominate no more than 10 percent of the number of officers who are on their list of BTZ, and may nominate no more than 10 percent of the number of officers who are on their list of SPE, eligible officers that CCHQ provides them as required in Section 3.a. If there are fewer than 10 officers on an OPDIV/STAFFDIV/non-HHS organization's list of eligible officers, the OPDIV/STAFFDIV/non-HHS organization may nominate no more than 1 officer.
  - c. The SG may:
    - (1) Establish that fewer than 10 percent of the number of officers in a particular promotion category group and grade may be nominated for BTZ and/or SPE promotion examination. The SG will make this determination after considering the USPHS Commissioned Corps' force management requirements (which includes the Assistant Secretary for Health (ASH) approved promotion success rates), the number of officers in that promotion category group who are ITZ and ATZ, and any guidance from the ASH.
    - (2) Limit designations or authorize different percentage designations of BTZ and/or SPE for specific disciplines within a promotion category group after considering the number of officers in that discipline who are ITZ and ATZ along with any guidance from the ASH. Such limitations will be within the guidelines outlined in Section 3.c.(1) and (3).
    - (3) Authorize the designation for a BTZ examination of more than the 10 percent limitation outlined in Section 3.b. when there is a particular need and/or there are sufficient vacancies in a grade to warrant accepting such nominations in order to meet the USPHS Commissioned Corps' projected force management requirements.
    - (4) Authorize the designation of select disciplines for a BTZ examination up to 2 years prior to officers in that discipline meeting the eligibility criteria in CCI 331.01 when there is a particular discipline need and/or there are sufficient vacancies in a grade to warrant accepting such nominations in order to meet the USPHS Commissioned Corps' projected force management requirements.
4. Review of Nominations.
  - a. Disqualification of Nominees.
    - (1) Upon receipt of the listing of potential nominations from the OPDIV, STAFFDIV, and non-HHS organizations, CCHQ will ensure that each officer meets the eligibility criteria for a BTZ or SPE promotion nomination (as applicable) that are outlined in Section 2 and will ensure that each OPDIV, STAFFDIV, and non-HHS organization has not exceeded the 10 percent limitation on the number of authorized BTZ nominations (or other limitations as outlined in Section 3).
    - (2) Issues such as allegations of misconduct, substandard performance, or other additional information (e.g., failure to meet a condition of service) that may render a nominated officer either not qualified or not suitable for promotion to the next

grade must be brought to the attention of the Director, CCHQ. The Director, CCHQ, will confer with the Deputy Surgeon General (DSG) and the respective Chief Professional Officer (CPO), and may confer with other officials (e.g., Agency Liaison), before making a recommendation to the SG regarding whether the officer's nomination should be rejected or if it should be accepted and reviewed by the promotion board.

- b. CCHQ will return the disqualified nominations of officers to the respective OPDIV, STAFFDIV, or non-HHS organization. The PPB will not review officers whose nominations are returned to the OPDIV, STAFFDIV, and non-HHS organization.
  - c. If CCHQ returns the nomination of an officer as outlined in Section 4.b., the OPDIV, STAFFDIV, or non-HHS organization may substitute a nomination of another eligible officer provided that CCHQ receives this replacement nomination within the timeframe CCHQ established for the receipt of replacement nominations.
5. Designation for BTZ or SPE Promotion Examination.
  - a. The Director, CCHQ, or designee, is authorized to designate those officers that OPDIV, STAFFDIV, and non-HHS organizations nominate, and who are not disqualified as outlined in Section 4.a., for a BTZ or SPE promotion examination. The Director, CCHQ, or designee, will not designate officers who have requested retirement or separation or who are undergoing an investigation/action by the Office of the Inspector General (OIG), under the Uniform Code of Military Justice (UCMJ), or criminal investigation/action by a civil authority.
  - b. The PPB will examine officers that the Director, CCHQ, designates for BTZ and SPE along with the officers it examines who are in the same grade and promotion category as the BTZ and SPE designated officer.
6. Notification of Designation and Officer Responsibilities. Upon designation for a BTZ or SPE promotion examination, CCHQ will update the officer's promotion eligibility status in the Officer Secure Area ([https://dcp.psc.gov/osa/osa\\_security\\_statement.aspx](https://dcp.psc.gov/osa/osa_security_statement.aspx)) to reflect the officer's BTZ or SPE designation. The officer is responsible for:
  - a. Confirming their designation for a BTZ promotion examination or SPE (i.e., confirming their promotion eligibility) by periodically checking the Secure Area.
  - b. Uploading necessary documents to their eOPF (e.g., curriculum vitae (CV), updated license/certification, and other documents that an officer may submit to the eOPF).
  - c. Reviewing their eOPF to ensure that all necessary documents are in the eOPF (e.g., the COER, including the Reviewing Official's Statement) and notifying their Liaison and CCHQ of any discrepancies (the Promotion Information page on the Commissioned Corps Management Information System ([CCMIS](#)) website provides appropriate contact information).
  - d. Reviewing their Promotion Information Report (PIR) and requesting corrections in accordance with CCHQ guidance and established deadlines.
  - e. Verifying their promotion folder in the Officer Promotion Package Verification System (OPPVS) in accordance with CCHQ guidance and established deadlines.
7. BTZ and SPE Promotion Effective Dates. The Director, CCHQ, will promote an officer (whose PPB ranking is above the ASH established success rate and who are not eliminated from the promotion roster) when the President approves the officer's promotion on the latter of the following dates:

- a. BTZ. The first day of the month following the date of the officer's BTZ eligibility (e.g., for an officer that will meet promotion eligibility on 15 November 2025 who is reviewed for BTZ in PY 2024, the Director, CCHQ, will promote the officer on 1 December 2024 unless a later date is indicated as outlined in Section 7.c.).
  - b. SPE. The beginning of the PY for which the PPB examined the officer (e.g., for an officer nominated and examined in PY 2027, the Director, CCHQ, will promote the officer on 1 July 2027 unless a later date is indicated as outlined in Section 7.c.).
  - c. BTZ and SPE. The first day of the month following the date of the President's approval.
8. BTZ and SPE Officer Obligation. When an OPDIV/STAFFDIV/non-HHS organization nominates an officer for a BTZ or SPE examination, the officer must remain assigned to that OPDIV/STAFFDIV/non-HHS organization through their BTZ/SPE eligibility date as well as for 1 year after the effective date of their promotion (if the officer is successfully promoted). The officer is responsible for notifying the Promotion Coordinator within CCHQ if they transfer out of the nominating OPDIV/STAFFDIV/non-HHS organization (or is requesting or desires to seek such a transfer) at any time during the period outlined in the previous sentence.
- a. CCHQ will remove an officer from consideration for a BTZ promotion examination or SPE if the officer transfers out of the nominating OPDIV/STAFFDIV/non-HHS organization before the officer's BTZ or SPE eligibility date (or before the President's approval if the BTZ or SPE eligibility date has passed and the officer's promotion was submitted to the President). However, CCHQ will not remove the officer if the new OPDIV/STAFFDIV/non-HHS organization has not used their allotted number of nominations (see Section 3) and continues to support the officer's nomination.
  - b. An officer nominated for a BTZ or SPE and subsequently promoted is required to remain stationed at the OPDIV, STAFFDIV, or non-HHS organization that nominated the officer for a period not less than 1 year after the effective date of a BTZ or SPE promotion.
    - (1) An officer may request approval from the SG to seek a reassignment that is outside of the OPDIV, STAFFDIV, or non-HHS organization that nominated the officer. The SG, after conferring with the OPDIV/STAFFDIV/non-HHS organization for their recommendation, may authorize a reassignment if it is in the best interests of the USPHS Commissioned Corps and the losing OPDIV/STAFFDIV/non-HHS organization.
    - (2) The Director, CCHQ, may convene a Permanent Promotion Reduction Board (PPRB) for an officer who fails to obtain the SG's approval if the officer seeks a reassignment and/or transfers without approval from the SG.
9. This POM rescinds POM 821.64, "Exceptional Proficiency Promotion," dated 12 October 2017. This POM is effective for PY 2024 and subsequent PYs and will remain in effect until amended or rescinded.

## Appendix

## Definitions

The following terms are defined for the purposes of this POM:

1. Promotion Category group. An arrangement of disciplines into which officers are divided for purposes of establishing eligibility for promotion.
2. Examination. The process used to evaluate an officer for permanent promotion.
3. Failure of Promotion. An officer who is examined by a PPB and who is: recommended by the PPB but ranking by the PPB in the bottom 10 percent (if there are less than 10 officers eligible for a particular grade, then the lowest ranked officer who is not promoted is deemed to be in the bottom 10 percent); "not recommend" or found "not qualified" by the PPB; or eliminated from the final promotion approval list for the O-3, O-4, O-5, or O-6 grades because of any of the reasons in CCI 331.01, "Permanent Promotions."
4. Permanent Promotion. A promotion to a grade below which an officer shall not be reduced except for cause under applicable USPHS Commissioned Corps Directives and Instructions.
5. Permanent Promotion Board (PPB). A board convened to examine officers for permanent promotion to the next higher grade.
6. Restricted grades. The Senior grade (O-5) or both Full (O-4) and Senior (O-5) grade in a promotion category group of the Regular Corps to which promotions shall be made only if vacancies exist in such grade or grades.
7. Success Rate. The number (which may be one or more) of officers who, after passing an examination that results in the PPB recommending the officer(s) for promotion, that the ASH anticipates recommending to the approving official for promotion. The ASH may express the success rate in a percentage of the number of officers the ASH anticipates that the PPB will examine.
8. Zones. Groupings of officers in the same grade and promotion category groups who are eligible for promotion and the Director, CCHQ, or designee, designates for examination fall into one of the three promotion zones:
  - a. In the Zone (ITZ). Refers to officers in the same grade and promotion category group who meet the promotion eligibility criteria and the Director, CCHQ, or designee, designates for promotion examination and who have not had two failures of promotion.
  - b. Above the Zone (ATZ). Refers to a group of officers who are eligible for consideration for promotion to the next higher grade and were not promoted after a PPB examined them for promotion as an ITZ eligible officer.
  - c. Below the Zone (BTZ). Refers to a group of officers who are in the same grade as the officers ITZ for that promotion category group and are designated for promotion examination prior to meeting the ITZ promotion eligibility criteria.