

MANUAL: Personnel
Chapter Series CC--Commissioned Corps Personnel Manual
Part 2--Commissioned Corps Personnel Administration

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Chapter CC23--Staffing
Subchapter CC23.7--Separation
Personnel INSTRUCTION 3--Reduction in Strength Within the Public Health
Service Commissioned Corps Due to Program Reductions

CONTENTS

<u>Section</u>	<u>Subject</u>	<u>Page</u>
A.	Purpose and Scope	2
B.	Authority	2
C.	Implementation of Policy	3
D.	Coverage	4
E.	Exclusions	4
F.	Competitive Area	5
G.	Responsibilities	5
H.	Retention Credit	7
I.	Retention Rosters	8
J.	Officers With Retention Rights	8
K.	Officers Without Retention Rights	10
L.	Review of Retirement Eligibles	11
M.	Displacement and Reassignment of Officers	11
N.	Notice to Officer	13
O.	Recall Priority Lists	14
P.	Entitlements and Obligations	16
Q.	Privacy Act Provisions	17
Exhibit I	Retention Rights Groupings	18

Section A. Purpose and Scope

This INSTRUCTION states the policies and procedures governing strength reduction within the Commissioned Corps of the Public Health Service (PHS) when there is a reduction in a Department of Health and Human Services (HHS) Operating Division (OPDIV), major programs outside of HHS to which PHS commissioned officers are assigned or the Office of the Secretary, HHS, which requires a major reduction in the PHS Commissioned Corps strength.

Section B. Authority

1. Section 203 of the PHS Act (42 U.S.C. 204) provides that commissioned officers of the reserve corps shall at all times be subject to call to active duty (CAD) by the Secretary. Inherent in this authority is the authority to separate reserve corps officers from active duty. In addition, Section 207(a)(2) of the PHS Act (42 U.S.C. 209(a)(2)) provides that reserve commissions shall be for an indefinite period and may be terminated at any time, as the President may direct.
2. Section 211(a)(2) and (3) of the PHS Act [42 U.S.C. 212(a)(2) and (3)] provides that regular or reserve corps officers may be retired by the Secretary, without their application, after the commissioned officers have completed 20 years of creditable service for retirement eligibility.
3. Regulations which provide for the separation of reserve corps officers with less than 20 years of creditable service for retirement eligibility when a reduction in strength (RIS) of the PHS Commissioned Corps is necessary because of program contractions or numbers limitations as set forth in Subchapter CC43.7, INSTRUCTION 1, of this Manual. Regulations providing for the involuntary retirement of regular and reserve corps officers because of reduction in the PHS Commissioned Corps strength are set forth in Subchapter CC43.8, INSTRUCTION 1, of this Manual.
4. Authority to involuntarily retire regular and reserve corps officers as provided in this INSTRUCTION has been delegated to the Director, Division of Commissioned Personnel (DCP). Authority to separate reserve corps officers as provided in this INSTRUCTION has been delegated to the Director, DCP.
5. The authority to administer the PHS Commissioned Corps is prescribed in 42 U.S.C. 216 of the PHS Act. The authority for daily administration of the PHS Commissioned Corps has been delegated to the Director, Division of Commissioned Personnel, Human Resources Service (HRS), Program Support Center (PSC).

Section C. Implementation of Policy

1. Application of Policy. The provisions of this INSTRUCTION will be applied only when program reductions require a major reduction in the PHS Commissioned Corps strength.
2. Voluntary Placement Phase
 - a. Implementation of the procedures to determine officers who will be involuntarily retired or separated will not be initiated until every effort has been made to place officers with retention rights whose positions have been abolished. A search will be made for vacancies within PHS and other programs staffed by the PHS Commissioned Corps for placement of officers who are adversely affected. DCP staffing officers, working through representatives of PHS components and with the affected officers, will place as many officers as possible. Credit will be given to the organization for those officers who are selected during this voluntary placement phase against the number which the organization will be required to place under the displacement procedures (see Section M.1.a, below). The Director, DCP, will notify the RIS coordinators (see Section G.1.b, below) by memorandum of the names of those officers for whom credit will be given if placed by their organizations within the period specified in the memorandum for the voluntary placement.
 - b. Officers in Group VII (see Section K., below), whose positions are to be or have been abolished will not be considered for placement in vacancies during the voluntary placement phase since they may be displaced by officers with higher retention priorities under the RIS procedures. This will not preclude the placement of these officers who are in shortage categories when all other officers with retention rights have exercised their right to reassignment.
3. Freeze on Appointments/Transfers. Selective freezes by category, profession, specialty, and/or organization, may be imposed to suspend calls to extended active duty and transfers of officers in any category. Such freezes will be coordinated, to the extent possible, with freezes on appointments and reassignments under the civil service system.
4. Filling Positions. Any position vacated by an officer during the voluntary placement phase of the RIS procedures will be available for reassignment of officers if the position is to be filled and is available. Vacancies created and filled under the involuntary placement phase of the RIS procedures will be filled by commissioned officers. The above also

applies to positions in the Indian Health Service (IHS), but Indian preference principles will be observed.

Section D. Coverage

The provisions of this INSTRUCTION apply to all commissioned officers serving on active duty in pay grades 0-6 or below, including retired officers who have been recalled to active duty. Officers in pay grades 0-7 or above whose positions are abolished and who are not selected to fill other comparable positions will be reduced in grade and will be placed on the retention rosters in the appropriate retention groups.

Section E. Exclusions

1. Excluded from displacement action are those positions occupied by officers serving in one of the following capacities:
 - a. Service Obligation. Officers serving active-duty obligations incurred as a result of Government-sponsored training: (1) under the National Health Service Corps (NHSC), or IHS Scholarship Programs; (2) as a result of education at the School of Medicine, Uniformed Services University of the Health Sciences (USUHS); and (3) under the Senior Commissioned Officer Student Training and Extern Program (SRCOSTEP); or long-term training.
 - b. Training Assignments. Officers in the following training assignments:
 1. Officers assigned to the training program of the Epidemic Intelligence Service, Centers for Disease Control and Prevention, or the PHS Epidemiology Training Program, National Institutes of Health (NIH), Food and Drug Administration (FDA), or Substance Abuse and Mental Health Services Administration (SAMHSA).
 - (2) Officers assigned to the Clinical or Research Associate Program of the NIH, or FDA that are not designated as fellows, tenure-track or tenured.
 - (3) SRCOSTEP officers.
 - (4) Officers assigned as students at the School of Medicine, USUHS.
 - (5) Officers assigned to PHS intramural residency training programs.

- c. Short Tours of Duty. Officers in the inactive reserve serving on short tours of active duty.
 - d. Details to Environmental Protection Agency (EPA). Officers who were detailed to the EPA effective December 2, 1970, when the functions which they were performing at that time were transferred to that Agency. (Pursuant to the provisions of Section 15(b)(8)(A) of Public Law 91-604, these officers were to remain on detail to, and assigned to the performance of duties with the EPA for the duration of their active service in the PHS Commissioned Corps.)
 - e. Coast Guard. Officers detailed to the U.S. Coast Guard.
 - f. Other Exclusions. Individual officers, other than those eligible for retirement, as recommended on a case-by-case basis by HHS OPDIV or Program Heads and the Principal Deputy Assistant Secretary for Health (PDASH) for the Office of the Secretary, HHS. Exclusion of these officers will be considered only where the recommending official can justify and document that the incumbent officer is uniquely qualified and his/her exclusion will not displace an officer who has higher retention priority who could accomplish the duties.
2. Officers occupying positions excluded under Section E.1., above, may not be displaced by an officer with higher retention priority. If, however, his/her position is abolished, the officer will be placed on the retention rosters in the appropriate retention groups.

Section F. Competitive Area

The competitive area is throughout the PHS Commissioned Corps, including all organizations to which PHS commissioned officers are assigned. It includes any position occupied by a commissioned officer, except as provided in Section E., above.

Section G. Responsibilities

1. HHS OPDIV or Program Heads, their counterparts in major programs to which PHS commissioned officers are assigned, and the PDASH, are responsible for:
 - a. Identifying commissioned officers in positions scheduled for abolishment due to program reductions and providing adequate advance notification to DCP to permit timely action under the provisions of

this INSTRUCTION. Notification to DCP will be by memorandum signed by the OPDIV or Program Head or PDASH.

- b. Designating a RIS coordinator and keeping this individual informed of program reductions as they develop, change, and become effective. This individual will be the focal point for all RIS activities in his/her organization and is responsible for:
 - (1) keeping top-level management and potentially affected officers in the organization informed on implementation of RIS procedures; and
 - (2) keeping DCP informed of pending program reductions as they develop, change, and become effective.
- c. Counseling officers, to the extent possible, about organizational impact, direct individual impact, and budget possibilities.
- d. Prescribing and implementing a plan for identifying which officers in Group VII (see Section K., below), in their organizations who will be involuntarily separated from active duty as provided in Section M.1.a, below. A copy of the plan will be submitted to:

Director, DCP/HRS/PSC
Parklawn Building, Room 4A-15
5600 Fishers Lane
Rockville, Maryland 20857-0001

- e. Submitting Form PHS-1373, "Separation of Commissioned Officer," to DCP for those officers who are identified for separation in accordance with this INSTRUCTION and who fail to submit the form as specified in the advance notice to the officer (see Section N.2.b, below).
 - f. Submitting Form PHS-1662, "Request for Personnel Action - Commissioned Officers," to DCP for those officers selected by them as provided in Section M.3., below.
2. DCP is responsible for:
- a. Imposing, if necessary, selective freezes by category, profession, specialty, and/or organization on calls to extended active duty and transfers of officers. Such freezes will be coordinated, to the extent possible, with freezes on appointments and reassignments under the civil service personnel system. The selective freezes will be removed when no longer necessary.

- b. Establishing and maintaining retention rosters as described in Section I., below.
- c. Convening regularly scheduled meetings of the RIS coordinators for briefings on RIS procedures and for acquiring updated information from the RIS coordinators on developments in their organization on program reductions.
- d. Determining, on the basis of HHS OPDIVs, major programs outside of HHS to which PHS commissioned officers are assigned, and the Office of the Secretary, HHS, reports of abolished positions, (1) the number and identity of officers on each retention roster who must be placed, and (2) the number and identity of officers to be separated or retired as provided in Section M.1.b, below.
- e. Assisting PHS components in the counseling by providing information on RIS policy and procedures, RIS dates, reassignment possibilities, and entitlements.
- f. Notifying the HHS OPDIVs, major programs outside of HHS to which PHS commissioned officers are assigned, and the Office of the Secretary, HHS, of their allocation for the displacement of Group VII officers as provided in Section M.1.a., below.
- g. Notifying potentially affected officers and the organizational components, to which they are assigned of the pending involuntary actions due to strength reduction.

Section H. Retention Credit

Retention credit includes all service which is creditable for retirement eligibility under the PHS Commissioned Corps retirement system as indicated below. Retention credit is granted only after an officer has completed three years of active duty as described in Section K., below.

1. All active service (enlisted and commissioned) in any of the Uniformed Services.
2. Civil Service employment with PHS, 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 in professional positions subsequent to receipt of a baccalaureate degree (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, Senior Biomedical Research Service).

Exception. Before December 18, 1980, creditable service included 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. The crediting of such employment following receipt of a diploma or associate degree in nursing prior to attainment of the baccalaureate degree was eliminated effective December 18, 1980. Only those officers who entered on active duty before that date receive such service credit.

3. All active service (other than service included in Section H.1. and 2., above), which is creditable for retirement purposes under the laws governing the retirement of members of any of the Uniformed Services.

Section I. Retention Rosters

Retention rosters will be established by category, profession or specialty, as appropriate. The rosters will be established only in the event of a RIS, but the data base will be continually maintained.

Section J. Officers With Retention Rights

Officers with retention rights will be listed by retention priority on their appropriate retention rosters as follows:

1. Group I. This group is the highest retention group and includes three subgroups as indicated below.
 - a. Subgroup I-A. This subgroup includes all regular corps officers in pay grades 0-6 and below with less than 20 years of retention credit, including any reserve corps officers whose nominations for appointment into the regular corps have been confirmed by the Senate. Officers in this subgroup will be listed on the roster in the descending order of their retention credit.
 - b. Subgroup I-B. This subgroup includes all regular corps officers in pay grades 0-6 and below with 20 or more, but less than 30 years of retention credit who have been selected for retention as indicated in Section L., below. These officers will be ranked by retention review boards and placed in this group, when sufficient vacancies cannot be created through separations or retirements on a particular roster in lower retention groups.

- c. Subgroup I-C. This subgroup includes all regular corps officers in pay grades 0-6 and below with 30 years or more of retention credit. Officers in this subgroup will be listed on the roster in the descending order of their retention credit.
2. Group II. This group includes all reserve corps officers on active duty in pay grades 0-6 and below with 18 or more but less than 20 years of retention credit. Officers in this group will be listed on the roster in the descending order of their retention credit.
3. Group III. This group consists of reserve corps officers on active duty in pay grades 0-6 and below with 13 or more but less than 18 years of retention credit. Officers in this group will be listed in the descending order of their retention credit.
4. Group IV. This group includes all reserve corps officers on active duty in pay grades 0-6 and below with 8 or more but less than 13 years of retention credit. Officers in this group will be listed in descending order of their retention credit.
5. Group V. This group includes all reserve corps officers on active duty in pay grades 0-6 and below with 3 or more but less than 8 years of retention credit. Officers in this group will be listed in descending order of their retention credit.
6. Group VI. This group includes all reserve corps officers on active duty in pay grades 0-6 and below with 20 or more years of retention credit who have been selected for retention as indicated in Section L., below. These officers will be ranked by retention review boards and placed in this group, when sufficient vacancies cannot be created through separations or retirements on a particular roster in lower retention groups.
7. Group VII. This group includes reserve corps officers on active duty in pay grades 0-6 and below who have not completed at least three consecutive years as a PHS commissioned officer. Group VII officers have no retention rights and can only be placed after other officers who have higher retention priorities under the RIS procedures. (See Section K., below, for those officers who are listed on the retention roster as Group VII.)

See Exhibit I for an outline on retention rights groupings of officers by years of retention credit and corps.

Section K. Officers Without Retention Rights

1. General. Officers without retention rights will be listed on the retention rosters as Group VII. Except as provided in Section K.3., below, this group consists of:
 - a. Reserve corps officers on active duty in pay grades 0-6 and below who have not completed at least three consecutive years of active duty as a PHS commissioned officer (or with less than 3 years). For example, if an officer has been on active duty for less than 3 years during his/her current tour of duty but had been on active duty in PHS previously for a continuous period of three or more years, he/she will be placed in a higher retention group based on his/her total years of retention credit.

If the officer has been on active duty for less than 3 years during his/her current tour of duty and had served on active duty in PHS previously for a continuous period of less than 3 years, he/she will be placed in Group VII. Section M., below, states the procedures for determining which officers in this group will be separated.
 - b. Retired regular corps and reserve corps officers who have been recalled to active duty, regardless of their length of recall to active duty.
2. Placement of Officers in Shortage Categories. Officers in this group whose jobs are abolished or who are displaced by officers with higher retention priority as provided in Section M., below, have no right to retention (reassignment) under RIS procedures. This will not preclude DCP from making efforts to place these officers who are in shortage categories when vacancies exist after all other officers with reassignment rights have exercised their rights under the RIS process. The separation of an officer who declines an assignment as provided in this paragraph will be considered voluntary.
3. Officers Recalled from Recall Priority List. An officer who was involuntarily separated from active duty as a Group VII officer under the provisions of this INSTRUCTION and is recalled to active duty within one year following the RIS action as provided in Section O., below, will be credited with the years of active duty completed during the tour of duty in which he/she was involuntarily separated because of RIS. Assume, for example, an officer had completed 2 years and 6 months of active duty when he/she was involuntarily separated because of RIS. The officer was recalled to active duty within one year of the RIS action. At the time of the recall to active duty, the officer is assigned to Group VII with credit of 2 years and 6 months of active duty. After completion of 3 years, the officer will be placed in the appropriate higher retention

group, depending on his/her years of active duty as defined in Section H., above, which includes any previous active duty in other Uniformed Services.

Section L. Review of Retirement Eligibles

1. Ranking of Officers. When necessary to create vacancies, officers on a particular roster who are eligible for retirement will be ranked by boards of officers for retention purposes based on factors such as effectiveness, potential for future utilization, and utilization across OPDIV and program lines. These officers will be ranked only when sufficient vacancies cannot be created through separations on a particular roster in Group VII. They will be placed, as determined by the Director, DCP, in Groups I, and VI, as provided in Section J., above.
2. Review Board. Retention review boards will consist of not less than three members at least two of whom, insofar as practicable, will be of the same professional category as the officers whose records are being reviewed for ranking. All members must be serving on active duty or be in retired status, in pay grades 0-6 or above. Three members present will constitute a quorum of the board.

The Director, DCP, will appoint the board members and designate one member as chairperson. The boards will be convened, as necessary, at the direction of the Director, DCP. The Director, DCP, will make every effort to assure that the Board does not consist entirely of men or women or entirely of individuals of one race, but no Board member will be selected on the basis of gender or race.

Section M. Displacement and Reassignment of Officers

1. Identification of Officers to be Displaced. When the Director, DCP, has determined the number of officers on each retention roster who must be placed, the identification of officers who will be displaced will be accomplished as follows:
 - a. Displacement of Officers in Group VII Only. If the number of officers to be placed is less than the number of officers in Group VII (excluding those officers whose positions have been abolished), pro rata quotas will be assigned to the HHS OPDIVs, major programs outside of HHS to which PHS commissioned officers are assigned, and the Office of the Secretary, HHS, based on (1) the number of officers who must be placed from each roster, and (2) the number of officers in a HHS OPDIV, major programs outside of HHS to which PHS commissioned officers are

assigned, and the Office of the Secretary, HHS, in Group VII on each roster (see Section C.2., above, concerning credits given for selections made by the organization during the voluntary placement phase). The Director, DCP, may, however, change these allocations if, at the time of a RIS, he/she finds that they will adversely affect the staffing needs of the PHS or other components. Any change will take into account the professional category and specialty of the officers whose positions are abolished and their utilization within HHS OPDIVs, major programs outside of HHS to which PHS commissioned officers are assigned, and the Office of the Secretary, HHS. The heads of those organizations or their designees will identify, in accordance with a plan prescribed by the head of the organization, which of the officers in Group VII in their organizations will be involuntarily separated to create the necessary vacancies.

- b. Displacement of Officers in Group VII and above. If the number of officers to be placed exceeds the number of officers in Group VII (excluding those officers whose positions have been abolished), the Director, DCP, will take action to:
 - (1) separate all officers in Group VII to create the vacancies for placement of officers on that roster with higher retention priority; and
 - (2) identify those officers in retention groups VII, who must be separated to create additional vacancies needed to place officers in higher retention groups on the roster, by working up from the bottom of the retention roster.
2. Crossing Rosters. If there are insufficient numbers of officers on a roster in Groups II and below who can be separated or retired, officers in Group VII on other rosters will be separated or retired to create the needed vacancies. This will be accomplished first by using other roster(s) of officers within the same profession; then, as necessary, using the roster(s) of officers within the same professional category; and finally, if necessary, by using the roster(s) of officers in a different professional category. Factors, such as performance, specialized training in relationship to the billet to which assigned, and overall value to PHS will be taken into consideration in creating this latter group of vacancies. If all officers in Group VII on the second roster(s) will not be separated to create the needed vacancy or vacancies, the officers to be separated will be identified as provided in Section M.1.a, above. If all the officers in Group VII must be separated, the officers to be separated will be identified as provided in Section M.1.b, above.

3. Placement of Officers with Retention Rights. The Director, DCP, will notify the HHS OPDIVs, major programs outside of HHS to which PHS commissioned officers are assigned, and the Office of the Secretary, HHS, of the number of officers whom they must place as determined in Section M.1, above. The HHS OPDIVs, major programs outside of HHS to which PHS commissioned officers are assigned and the Office of the Secretary, HHS, will be requested to designate a representative(s) from their organizations to make selections from the group of officers who must be placed in program vacancies which are to be created by involuntary actions. The representatives must collectively select all officers who must be placed. The number to be selected will be controlled by the number of officers identified for displacement as stated in Section M.1, above.

Section N. Notice to Officer

Officers who are to be involuntarily separated, retired, or reassigned will be given, to the extent possible, 60 days' advance written notice. Action to separate, retire, or reassign an officer will be as follows:

1. General Notice. All officers on active duty will receive an advance written notice of the expected RIS. This will be a general notice which will advise all officers on active duty that it will be necessary to reassign and separate some officers and provide them with information about how such action will be accomplished, if necessary.
2. Specific Notice. Specific advance written notices will be sent to those officers who are affected by the RIS process as follows:
 - a. Reassignment. The Director, DCP, will send to each officer whose position is abolished and who is identified for placement as provided in Section M., above, an advance written notice advising the officer of his/her rights, together with information about the placement process and instructions about requesting separation if he/she chooses to refuse the assignment. An officer will receive only one assignment offer. If the officer declines the offer or fails to respond to the offer, he/she will be separated from active duty. Such separation will not be considered an involuntary separation under this INSTRUCTION.
 - b. Involuntary Separation/Retirement. The Director, DCP, will send an advance written notice to each officer who is identified for involuntary separation or retirement as provided in this INSTRUCTION, advising the officer that he/she will be separated from active duty as of a specified date. The officer will be requested to complete Form PHS-1373, "Separation of Commissioned Officer," and provided other instructions with respect to the separation action. If the original

copy of this form is not received by DCP as specified in the advance notice, the HHS OPDIVs, major programs outside of HHS to which PHS commissioned officers are assigned, and the Office of the Secretary, HHS, will be requested to complete the form on behalf of the officer.

Section O. Recall Priority Lists

1. General. The recall priority lists are lists of officers involuntarily separated from active duty, excluding retirement, due to RIS. The lists, which are maintained by DCP, are established for each retention roster (see Section I., above).
2. Eligibility. An officer is eligible for placement on the recall priority list only if he/she is involuntarily separated in accordance with the provisions of this INSTRUCTION (i.e., the officer's separation personnel orders specifically cite this INSTRUCTION as the basis for his/her separation). An officer who chooses to separate from active duty rather than accept his/her offer of assignment is not eligible for placement on the list since his/her separation is considered voluntary (see Section N.2.a. and Section K.2., above).
3. Placement on the List. Officers are placed on the recall priority list at their request only if they request inactivation, not termination. In order to be placed on the list, officers must request such action on Form PHS-1373, in the comment's section (Part D). An officer who fails to submit a completed Form PHS-1373 will not be placed on the list. Since placement in the inactive reserve is subject to approval of the Director, DCP, an officer will be placed on the recall priority list only if he/she qualifies for appointment in the inactive reserve.
4. Recall Priority. Officers will have recall privileges in the order of their retention priority, i.e., selections by HHS OPDIVs, major programs outside of HHS to which PHS commissioned officers are assigned, and the Office of the Secretary, HHS, from the lists must be in Group order. Group IV officers must be considered before Group V, Group II must be considered before officers in Group III, etc. However, within the highest Group, any individual may be selected, regardless of his/her ranking within the Group.
5. Selections from List. Except as provided in Section O.6., below, HHS OPDIVs, major programs outside of HHS to which PHS commissioned officers are assigned, and the Office of the Secretary, HHS, may not fill a position by an individual on a recall priority list when a qualified

officer in retention Group VI or higher is on the list. A request for CAD, i.e., Form PHS-1662, will not be processed by DCP until the recall priority procedures have been followed by the requesting organization. The HHS OPDIVs, major programs outside of HHS to which PHS commissioned officers are assigned, and the Office of the Secretary, HHS, will notify DCP about the vacancy and qualifications required for the position. DCP will send out the names of officers, by retention priority, who meet the qualifications. Group VII officers, who have no retention priority, may be selected when no officer with retention priority is available.

6. Exceptions. The restrictions stated in Section 0.4. and 5., above, will not apply in the case of an individual who is entering on active duty to fulfill an active-duty obligation subsequent to Government-sponsored training incurred under the NHSC or IHS Scholarship Programs or as a result of education at USUHS, other long-term training programs, or under SRCOSTEP. Any other exception to the restrictions will be approved by the Director, DCP, only when the HHS OPDIVs, major programs outside of HHS to which PHS commissioned officers are assigned, and the Office of the Secretary, HHS, shows that the duties and responsibilities of the billet require qualifications/skills not possessed by the individuals on the recall priority list(s) submitted to them. The HHS OPDIVs, major programs outside of HHS to which PHS commissioned officers are assigned, and the Office of the Secretary, HHS, must present information or evidence which clearly shows that the individuals are not qualified.
7. Temporary Promotion. Officers will be recalled to active duty with reinstatement to the temporary grade held at the time of their involuntary separation.
8. Removal from List. An officer who refuses an assignment offer for extended active duty will be removed from the recall list. If no response is received from the officer, his/her name will be removed from the list and his/her commission may be terminated.
9. Retention of the List. An officer's name will be retained on the recall list for the one-year period following the RIS action. All officers whose names are still on the list at the end of the one-year period will be sent a notice about the expiration of the list. The officers will be asked to indicate if they would like to remain on an applicant supply list which, although not a priority recall list, will be used by DCP for a one-year period for placement consideration as vacancies in the officer's particular specialty become available.

Section P. Entitlements and Obligations

1. Final Payments. There is no authority for payment of severance pay to officers who are involuntarily separated or retired under the provisions of this INSTRUCTION. An officer will be paid all pay and allowances due him/her, including a lump-sum payment for accrued and accumulated leave. A lump-sum leave payment will not be made if the officer accepts a Federal civilian position following separation, without a break in service. The leave will be transferred in accordance with INSTRUCTION 3, Subchapter CC29.1, "Transfer of Leave Between Commissioned Corps and Other Federal Leave Systems," of the Commissioned Corps Personnel Manual (CCPM). An officer will also receive travel and transportation allowances, including travel time, which are otherwise authorized in connection with separation from PHS, i.e., travel of the officer and his/her dependents and shipment of household goods from last duty station.

2. Special Pay Contracts. If an officer is involuntarily separated or retired under the provisions of this INSTRUCTION while serving under any special pay contract, the contract is automatically terminated as of the date of the officer's separation or retirement and the officer will not be required to repay any part of the last annual payment. This would include the following special pay contracts:
 - a. Retention Special Pay (RSP);
 - b. Incentive Special Pays (ISP);
 - c. Multiyear Retention Bonus (MRB);
 - d. Additional Special Pay (ASP);
 - e. Dental Accession Bonus;
 - f. Nurse Accession Bonus;
 - g. Nurse Special Pay for Nurse Anesthetists; or
 - h. Engineer and Scientific Career Continuation Pay (ESCCP).

3. Training Obligation. Involuntary separation or retirement under the provisions of this INSTRUCTION automatically cancels any monetary penalty the officer otherwise would have incurred for failure to complete an active-duty obligation resulting from participation while on active duty in PHS-sponsored training under 42 U.S.C. 218a. This cancellation of any monetary penalty is not applicable to an active-duty obligation which an

officer may have incurred under any other provision of law, such as under the NHSC or IHS Scholarship Programs.

4. Unemployment Insurance. Pursuant to a decision of the Department of Labor dated April 19, 1969, PHS commissioned officers who are involuntarily separated are covered under the unemployment insurance programs administered by all of the States. This coverage is on the basis of their status as "civilian officers and employees" of the Federal Government, rather than as "members of the armed forces." Officers should check with their State unemployment office for accurate, up-to-date information. Although the requirements may vary among the States, an officer should normally submit an application to the State in which he/she was last employed.
5. Health and Life Insurance. For information on health and life insurance coverage, refer to the following INSTRUCTIONS of this Manual:
 - a. Subchapter CC29.3, CCPM, INSTRUCTION 1, "Uniformed Services Voluntary Insurance Plan for Officers Separated from Active Duty (other than retirement)."
 - b. Subchapter CC29.3, CCPM, INSTRUCTION 4, "Health Benefits Under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS): Retirees and Dependents of Active Duty, Retired, and Deceased Officers."
 - c. Subchapter CC29.4, CCPM, INSTRUCTION 1, "Servicemembers' Group Life Insurance and Veterans Group Life Insurance."

Section O. Privacy Act Provisions

Personnel records are subject to the provisions of the Privacy Act of 1974. The applicable systems of records are 09-37-0002, "PHS Commissioned Corps Personnel Records," HHS/OASH/OSG.

EXHIBIT I

RETENTION RIGHTS GROUPINGS

By Years of Retention Credit and Corps

Years of Retention Credit	REGULAR CORPS	RESERVE CORPS
Regular Corps in Pay Grade O-6 and below with less than 20 years. (*) This also includes Reserve Corps officers whose nomination for appointment into the Regular Corps have been confirmed by the Senate.	Group I - A	N/A except for (*)
Regular Corps in Pay Grade O-6 and below with 20 or more, but less than 30 years.	Group I - B	N/A
Regular Corps in Pay Grade O-6 and below with 30 years or more.	Group I - C	N/A
Reserve Corps in Pay Grade O-6 and below with 18 or more, but less than 20 years.	N/A	Group II
Reserve Corps in Pay Grade O-6 and below with 13 or more, but less than 18 years.	N/A	Group III
Reserve Corps in Pay Grade O-6 and below with 8 or more, but less than 13 years.	N/A	Group IV
Reserve Corps in Pay Grade O-6 and below with 3 or more, but less than 8 years.	N/A	Group V
Reserve Corps in Pay Grade O-6 and below with 20 or more years.	N/A	Group VI
Reserve Corps in Pay Grade O-6 and below with less than 3 years.	N/A	Group VII