

Pharmacist PAC's Comments on Recent CCPM Draft Issuances

This is a formal response and comment to the Office of Commissioned Corps Force Management (OCCFM) concerning draft policies CC23.4 Instruction 1 - Permanent Grade Promotions, Instruction 2 - Temporary Grade Promotions CC26.1 Instruction 8 - PHS Deployment Readiness Standards, and Manual Circular - Deployment Standards for the Commissioned Corps of the U.S. Public Health Service (PHS) and implementation plan for Physical Fitness (PF)/Body Mass Index (BMI)/Body Fat (BF). Since the release of these draft policies, many comments have been submitted to the Pharmacist PAC (PharmPAC) by numerous pharmacy officers representing many OPDIVs. These comments have been reviewed and coalesced to address the representative concerns of the PharmPAC.

The PharmPAC believes in and supports the Corps Transformation as outlined by Secretary Thompson and Surgeon General Carmona. It is believed that the purpose of the transformation is both well intended and noble. The Surgeon General stated, "We can create a future as noble as our past." The PharmPAC fully embraces and supports this endeavor. These comments are intended to promote a strong policy, implementation plan, and transitional procedures which will be conducive with the vision of the Secretary and Surgeon General.

General Comments and Concerns

- **Transition and Education of Current Officers:** The PharmPAC strongly feels transition policy for current officers is vitally important and must be cautiously considered. Impact and implementation may have substantial effects on our current Corps Strength. Most current officers entered the Corps with a very different set of expectations about what it meant to be a Commissioned Officer. Therefore, there should be a transition period during which current officers who came into the system under the "old rules" are allowed to educate themselves about the new policies and transform their career paths. Ample time should be given to evaluate and determine the appropriate implementation of the policy.

Additionally, OPDIVs should be intimately involved with the development of the implementation plan. Each OPDIV has certain idiosyncracies which must be communicated and discussed. Implementing and enforcing a policy in such a short time frame would inherently have an adverse effect on the transformation efforts of the Secretary and Surgeon General. The PharmPAC does not believe that there is ample time to appropriately and fairly implement these significant changes in time for the 2004 promotion year. It is recommended that targeted implementation be set for promotion year 2006.

- **Agency Buy-In:** At the current time agencies fund a significant portion of each officer's cost. In addition they have their own vital functions that each officer must complete. At the current time some agencies and supervisors question the cost effectiveness of employing a Commissioned Corps Officer versus a Civil Service Officer. In some cases, the argument can be made that if administration in HHS supports Corps officers there is less worry, however officers in agencies outside of HHS do not have this same protection. In still other cases administrators do support the Corps and specifically deployability, however local supervisors and administration do not.

The Pharmacist PAC recommends that ample time be allowed prior to policy implementation to educate and reassure local supervisors and national administrators that deployability will not have a negative impact on 1) the agencies program, 2) be a positive impact on the individual

officer, and will not require additional resources to back fill officers who are deployed. Without their support the PHS will not have as many opportunities for officers and the end result will be a negative impact on the Corps as a whole.

- **Agency Support & Deployability:** The onus is on the officer who may or may not receive work time to complete the necessary tasks to become deployable. This process can take approximately six months even for the most motivated of officers without dependents. It is recommended that this policy not be implemented prior to Promotion Year 2006. This will allow ample time for officers to complete the necessary training, administrative requirements, and physical fitness standards.
- **Infrastructure Support:** There is concern regarding the lack of a necessary infrastructure available to accommodate immediate implementation of these policies. The appropriate infrastructure required will be able to be identified and analyzed if policy implementation is targeted for Promotion Year 2006.
- **Recruiting:** The SG should be ready and given the resources to actively recruit healthcare professionals to replace those who may separate because they either do not believe in attaining, or are unable to attain the promotion precepts. These vacancies created by this possible exodus would be in addition to the current 5-25% vacancy rate in some disciplines and the additional 275 IHS officers that the Secretary has mandated. The DOD continues to experience difficulty in retaining and recruiting healthcare professional officers despite millions of dollars and the utilization of devoted recruitment departments and staff.

CC23.4 Personnel Instruction 1 - Permanent Grade Promotions

- **page 3, Section C(7):** “Restricted grades: The Senior grade (O-5) or both Full (O-4) and Senior grade in a professional category to which promotions shall be made only if vacancies exist in such grade or grades;”

Comment: The professional categories that have restricted grades should be clearly defined. It is recommended the wording be changed to all professional categories or none of them under the “One Corps/One Department” concept. It is difficult to recruit and retain all professional disciplines and this should be treated as such.

- **page 4, Section E (1)(a):** “A current satisfactory ... (COER) is in the officer’s Official Personnel Folder (OPF)”

Comment: Recommend this section be more clearly defined. What is considered satisfactory.

- **page 6, Section G(3):** “In addition, every effort will be made to ensure that ATPB membership is as representative as possible with respect to Agency/OPDIV/Program and field representation.”

Comment: Recommend this section be more clearly defined. Is representation proportional to the number of officers in the OPDIV? How will representation for small OPDIV’s be accomplished and what are the expectations of the field vs. non-field representation? There are many different ways to represent the Corps on promotion boards. Expectations should be clearly stated.

- **page 8, Section I(3)(c):** “Who has a missing or unsatisfactory COER;”

Comment: This tends to be a supervisory or COER process failure. This may improve with the electronic COER but there should be a grace period of 30 to 60 days given to allow for the recovery or re-submission of the missing COER.

It is recommended that officers who are raters and reviewers also be held responsible in this section by adding the statement, “Who is the rater or reviewer of a missing COER;”. The grace period would also be in effect for the rater and reviewer.

It is also recommended that “unsatisfactory COER” be clearly defined.

CC23.4 Personnel Instruction 2 - Temporary Grade Promotions

- **page 4, D(1) Table:** Time in service requirements - O-5. “5 years (3 years must be as officer in the PHS Commissioned Corps).” Time in service requirements - O-6. “9 years (7 years must be as officer in the PHS Commissioned Corps).”

Comment: Recommend that this be reviewed for impact of both recent and future inter-service transfers. Recommend decreasing the specific PHS service to 2 years for O-5 eligibility and 4 years for O-6 eligibility. It is agreed that career PHS Officers should be given credit when compared to inter-service transfers, however, as written, this may adversely impact our ability to grow as a Corps. Allowing only two years of credit to our comrades in other Uniformed Services does not do justice to those that have unselfishly served their country.

There have been substantial inter-service transfers over the last few years. It appears that this policy will go into effect with no grandfather clause. There are many instances where inter-service transfer officers have already been reviewed for promotion and passed over. This creates a situation where an officer could have been reviewed for promotion and is now ineligible for a few more years. Additionally, we have many inter-service transfers in the pipeline. These officers will be adversely affected. This policy may essentially place a halt on the practicality of any future inter-service transfer applicants. **This also applies to other regular PHS officers who may have been eligible for promotion in 2004 under the former guidelines, and now will not have the Time in service required.**

- **page 3, Section D:** “...SG establishes which officers are eligible for examination for temporary promotion based on criteria established by the ASH. The table set forth below contains the current eligibility criteria for temporary promotion and includes an officer’s:”

page 6, Section F5: “...Officers eligible for temporary promotion during the 2004 promotion year may elect to waive examination for temporary promotion during the 2004 promotion year...”

Comment: With this policy, review for promotion is automatically sent to the ATPB based upon TED Credit, Time in Service, and Time in Grade. The only exception would be made for the 2004 promotion year. Our sister services have the ability for the officer to withdraw their name for consideration for promotion if they feel that they are not competitive in any year. This allows the officer to appropriately manage their career until a time they feel that they are competitive. It is recommended that this concept be available to PHS officers up for promotion in any year if the “three and frozen” policy remains. There are instances where officers

“position” themselves in lower billets so they may be given consideration for a position above them, knowing that an officer is about to transfer or retire.

Officers involuntarily detailed to an outside agency as referenced in draft Subchapter CC43.5 — Utilization; Personnel Instruction 1 - Details of Commissioned Officers, or officers required to maintain the same billet for a set period (e.g., Coast Guard) will be adversely affected. These officers will have no control over the billet in which they are placed causing the possibility of an officer to be passed over all three times while serving in this billet. Another scenario may be the arrival of an unreasonable supervisor during the critical time frame which is reviewed by the ATPB.

Indian Health Service has the Indian Preference Hiring Act (IPHA), which gives preference to the filling of a position/billet to a Native American or Alaskan Native, including those who are not Commissioned Officers. Policies such as the IPHA could limit the number of senior billets that are available to non-Native American and non-Alaska Native Commissioned Officers. If an officer is performing well and is passed over for promotion three times this is self limiting in itself. To dead end career progression due to circumstances beyond the control of a Commissioned Officer will only cause decreased job satisfaction. The proposal for freezing officers at their temporary grade would be better accepted if there were a centralized placement and career progression track available such as the military uses. The current chance of a non-IPHA eligible officer being selected for an O-5 or O-6 billet in many Indian Health Service Clinics throughout the country is rare.

If the policy of “three and frozen” is implemented, it is recommended that an officer be given the ability to withdraw their name for consideration for promotion similar to DOD officers in any year, not just promotion year 2004. It is recognized that this may result in a disproportionate number of withdrawals during the first few years of this policy as officer’s conform their career and OPF to the new promotion standards and policy. The ensuing bolus of promotion candidates would need to be considered and addressed. Consideration may be given to the allowance of only a specified number of withdrawals (e.g., two) for any one officer for any one rank.

- **page 4, Section E(1):** “Officers that are eligible for temporary promotion to the Assistant (O-2) and Senior Assistant (O-3) grades or Medical officers eligible for temporary promotion to the Full grade (O-4), may be promoted on the first day of the month following the date upon which the officer attains eligibility for promotion:”

Comment: If the “three times and frozen” policy moves forward, the non-competitive Temporary Promotion to O-4 should apply to the pharmacy category as there is a demonstrated need for pharmacists. The same is true for other categories such as dental and nursing. The practice of only medical officers obtaining non-competitive O-4 promotions in this light goes against the “One Corps/One Department” concept.

This would assist in decreasing the administrative burden of convening a board to the O-4 level of which 90% of the officers make promotion. The ATPB can better utilize their time focusing on the very competitive O-5 and O-6 promotions. It is understood that this creates a situation where an officer may be in mid-career before knowing how to prepare for promotion but this can be overcome by proper education and mentoring. With all of the restrictive changes proposed, this would create at least one less restrictive promotion policy.

- **page 6, Section F(2)(a):** “Performance and Agency recommendation:”

Comment: Prior draft promotion precepts indicated that the agency recommendation would not be included in the promotion boards. The Pharmacist PAC believes that agencies should provide input into promotion boards and applauds the addition of the factor back into the promotion process. The method which the agencies will be allowed input needs to be clarified.

- **page 6, Section F(2)(e):** Deployment Readiness precept.
Deployment Standards page 2, Section 5

Comment: This precept requires officers eligible for promotion in PY2004 be scored for their deployment readiness. It also requires that “additional credit” be extended to officers who exceed the basic level of deployment readiness and to those who have actually been deployed for “7 or more days ... since January 1, 1998.”

The concept that an officer will be given additional credit for being deployed contradicts the edict that “deployable” and “deployed” are distinctly different. An officer has control over whether they are deployable. The supervisor and agency control whether they are deployed. This will inherently give officers at one person and remote duty stations a disadvantage. It should also be recognized that giving points to those who have been deployed would be duly unfair to those remaining at the duty stations fulfilling their Agency’s mission with reduced staffing.

- **page 6, Section F(3):** “...if an officer is examined and does not receive a temporary promotion after 3 examinations for the same temporary grade, the officer shall be continued at the temporary grade at which the officer currently holds for the remainder of the officer’s career conditioned on satisfactory performance.”

Comment: The Pharmacist PAC believes this policy will only exaggerate the current staffing shortages of the PHS. There are currently many officers, including those in acutely short areas of nursing and pharmacy who were reviewed by five or six boards before they made their promotion to O-5 or O-6. The low percentage rate of promotions coupled with the lack of available advanced billets are often contributing factors. These officers maintained their commission and went on to enhance their career to make themselves competitive, often waiting for a higher billet to become available. They considered themselves career officers and diligently worked to attain the next higher grade while positively contributing to the mission of the Corps and their Agency. Being frozen after passed over the third time, may lead to accelerated departure of many good officers and an overall reduction in force. This will lead to a very difficult recruitment obstacle to overcome when we must replace these prematurely departed officers. The DOD, which has a much more stringent policy of “three and out,” has greater resources for recruiting within these confines yet still has difficulty filling slots.(See general recruitment comments).

In addition to added recruiting requirements, many officers may lose motivation after being frozen causing a negative impact on quality. This group of O-4 and O-5 officers will lack Esprit de Corp and their performance may be satisfactory yet unmotivated. A “short careered” Corps will make it increasingly difficult for Agencies inside and outside of DHHS to maintain officers in hard to fill and remote locations.

Implementation of this policy will affect those officers involuntarily detailed, serving in the Coast Guard, and affected by Indian Preference Hiring Act (IPHA) as described in comments; page 4, Section D: above.

If this policy is enacted, it is recommended that an appeal mechanism be in place for officer’s to appeal certain promotion decisions.

- **page 6, Section F(4):** "...ASH or his/her designee determines there are no requirements for temporary promotion in such officers category ... will not be considered as having been passed over for promotion..."

Comment: Recommend changing zero success rate to a statement such as < 20% success rate for O-6 and < 30% for O-5. Because officers will be frozen in grade after three attempts, the effect of a 5% success rate will essentially have the same impact on officers as a zero success rate. This will prevent officers from being adversely affected in those years when promotion rates are extremely low but not zero.

- **page 7, Section G(2):** "At least once each calander year, the SG will apoint one more ATPSs ..."

Comment: The word "or" needs to be added between "one" and "more."

- **page 7, Section G(3):** "In addition, every effort will be made to ensure that ATPB membership is as representative as possible with respect to Agency/OPDIV and field representation".

Comment: Recommend this section be more clearly defined. Is representation proportional to the number of officers in the Agency/OPDIV? How will representation for small OPDIV's be accomplished and what are the expectations of the field vs. non-field representation? There are many different ways to represent the Corps on promotion boards. Expectations should be clearly stated by the SG.

- **page 9, Section I(3)(b):** "Who has a missing or unsatisfactory COER;"

Comment: This tends to be a supervisory or COER process failure. This may improve with the electronic COER but there should be a grace period of 30 to 60 days given to allow for the recovery or re-submission of the missing COER.

It is recommended that officers who are raters and reviewers also be held responsible in this section by adding the statement, "Who is the rater or reviewer of a missing COER;". The grace period would also be in effect for the rater and reviewer.

Please define what is an "unsatisfactory COER."

- **page 9, Section I(3)(d):** "Who, based on additional information available to the Director, ..."

Comment: Please clarify to whom the term "Director" refers.

- **page 10, Section K(1):** "If an officer twice fails to be recommended by a promotion board for permanent promotion ..."

Comment: Does this mean twice for the same grade or is it twice in one's career? Please clarify.

- **page 11, Section K(3)(e):** "...officer has failed to meet or maintain deployment standards, ..."

Comment: Recommend that a "Fitness Status" alert be added on the DCP website similar to "Licensure Status" stating when the officer must be recertified to assist in compliance of deployment standards.

- **page 11, Section K(4)(b):** "The SG will provide the officer being examined by a TPRB with at least 30 days notification before the TPRB is convened ..."

Comment: Recommend the 30 days notification be changed to 60 days notification. The seriousness of the action requires that officers be given adequate time to gather and prepare all necessary documentation to present before the board. This may be difficult to accomplish for an officer not close in proximity to the Washington, D.C. area. In order to ensure the officer an appropriate response time the longer time frame should be utilized.

- **page 11, Section K(4)(c):** “...The officer is not entitled to appear personally before the TPRB,...”

Comment: Recommend changing this statement to entitle the officer to appear personally before the TPRB. Given the seriousness of the act of revoking a promotion, especially with the proposed changes to the promotion policy, the officer should be granted access to the entire process.

- **page 11, Section K(4)(e):** “However, any previous considerations by an ATPB that failed to result in the officer’s promotion for such temporary grade will be counted towards the 3 opportunities for purposes of Section F.3, above.”

Comment: An ATPB should not count any promotion considerations that occurred prior to a demotion in their subsequent evaluation of an officer's promotion eligibility. Doing so will virtually assure that a demoted officer will never have a chance to subsequently be promoted even if they successfully improve their performance.. This will make it impossible for a manager to use future promotion potential as an incentive to improve performance, which could be particularly important under these circumstances.

- **page 11, Section L(1):** “For each temporary grade, an officer may be nominated one time for an exceptional proficiency promotion (EPP) ...”

Comment: Agencies are already significantly restricted on the number of EPP nominations they may submit to DCP each year. As a result agencies are already required to limit those nominations to those they feel are truly worthy to receive a promotion. No further restriction is required and the Pharmacist PAC recommends that the terms “one time” be stricken from the text.

- **page 12, Section L(4):** “Officers who are recommended for an EPP will be reviewed and ranked by the categorical board along with officers eligible for that temporary grade in their own right using the same precepts...”

Comment: Recommend superimposing EPP nominated officers scores after the scores, ranking order, and promotion cutoffs are determined for those officers up for promotion in their own right. Otherwise, EPP officers will displace officers up for promotion in their own right. Recommend that EPP officers be evaluated by the same ATPB but scored and placed separately.

- **page 13, Section L(7):** “Officers who are examined by an ATPB for an EPP but do not receive a temporary promotion will be considered as having been passed over for promotion like all other officers who are passed over for temporary promotion...”

Comment: Recommend not having this count against an officer as being passed over when nominated for an EPP. The proposed temporary promotion policy already significantly restricts the conditions under which an officer can be nominated for an EPP. Furthermore, given the highly competitive nature of these promotions, it is unfair to penalize an officer and their agency for recognizing an officer as an exceptionally proficient performer. Doing so will not only create a strong disincentive to recommend exceptional officers for EPP’s, but ironically, could contribute in these same officers being deemed ineligible for future promotions. Additionally,

officer's do not have to concur with an EPP nomination. Per policy, the officer only has to be notified, which may or may not occur, causing the officer to possibly automatically fail by not meeting another precept (e.g., deployability).

CC26.1 Personnel Instruction 8 - PHS Deployment Readiness Standards

- **page 2, Section A(3):** “This INSTRUCTION is effective as of the date signed by the [to be determined per delegations of authority].

Comment: As is evidenced by our general comments, the PharmPAC believes that there should be an ample transition period to allow officers to obtain all of the requirements necessary for a basic level of deployment readiness.

- **page 3, Section D(1):** “All officers on extended active duty must meet and maintain the deployment readiness standards established by the ASH and published in the Manual Circular(s) by May 1, 2005.”

Comment: Officers entering extended active duty should be given a clearly defined time frame to meet the deployment readiness standards. Specifically, an O-3 officer entering the Corps with enough T&E to be eligible for O-4 will be able to sit for promotion after 6 months of Time in Service. With time required to orient to a new facility, complete the Basic Officer Training Course and meet the deployment readiness standards, it will be unlikely that this officer will be able to meet all of the requirements outlined in Section D of this document to be deployment ready for the first promotion cycle. The PharmPAC is suggesting a 12-month waiver of deployment readiness for all new calls to duty to allow for ample time to transition into the Corps, to obtain all of the necessary immunizations and to complete all of the required CCRF modules.

- **page 3, Section D(2):** “Officers are strongly recommended to have a Family Care Plan...”

Comment: The PharmPAC applauds the fact that this INSTRUCTION mentions a current family care plan. However, there are no details regarding the essential elements of a family care plan or any infrastructure supporting the effective use of such a plan. Our sister services have elaborately layered systems in place to provide family care planning, counseling, establishing a power of attorney, establishing legally recognized wills, arrangement of financial support for dependents, etc. There is a complete system of legal assistance to facilitate establishing these vitally important plans. This is in contrast to this INSTRUCTION which merely recommends a plan and places the responsibility for that plan entirely with the officer.

MANUAL CIRCULAR - Deployment Readiness Standards for the Commissioned Corps of the U.S. PHS (PHS) and Implementation plan for Physical Fitness (PF)/Body MASS Index (BMI)/Body Fat (BF)

- **Page 1, Section 3 Background
Page 11 Exhibit 1**

Standards state October 2004 in the requirements table, and May 2005 in the text as the drop-dead date for needing the APT. State only one date throughout the document.

- **Page 2, Section 5(a)(1):** “Be qualified under the CCRF Deployable Standard that was in effect until September 30, 2003; or”

Comment: Clearly list what the standard was at that time.

- **Page 2, Section 4. Deployment Readiness Standards and the Promotion Process for PY 2004**
Page 2 Section 5. Eligibility for Scoring to Recognize Deployment Readiness for PY 2004

Comment: See CC23.4 Personnel Instruction 2 - Temporary Grade Promotions page 6, **Section F(2)(e):** Deployment Readiness precept.