



Reserve Corps “Deemed Regular” Corps

The following frequently asked questions (FAQ) specifically address the “Deemed Regular” provision in the Affordable Care Act (ACA) and is applicable to officers who were serving on active duty in the Reserve Corps of the Commissioned Corps of the United States Public Health Service (Corps) as of the date of enactment of the ACA, March 23, 2010.

1. Was I assimilated into the Regular Corps of the Commissioned Corps of the United States Public Health Service as a result of the ACA?

Yes. All officers who were in the Reserve Corps of the USPHS on March 23, 2010, were deemed to be members of the Regular Corps by the ACA. Though the process was different than the previous assimilation process, all reserve officers who were active duty on March 23, 2010, are considered to be members of the Regular Corps

2. How will my personnel file reflect that I have been placed in the Regular Corps?

The Division of Commissioned Corps Personnel and Readiness (DCCPR) will issue official personnel orders appointing you to the Regular Corps.

3. When will official personnel orders be issued?

DCCPR will begin issuing personnel orders with regard to the deemed regular officers in April 2012.

4. When will I see personnel orders and documents in my electronic official personnel folder (eOPF)?

The orders and supporting documents will be available in the eOPF at different times because the mechanism for archiving each is different. Once this activity commences, it may take a few months before all official orders and documents are placed in each officer’s eOPF.

5. Will appointment to the Regular Corps affect my pay?

No. Your pay will continue to be based on your current grade and you will continue to be paid as you were before.

6. Please explain why I will not be given the same constructive credit received by officers when appointed into the Regular Corps on call to duty (or under the old assimilation process).

The Secretary's Directive to the Corps states that constructive credit will not be granted. Individuals directly appointed to the Regular Corps, and Reserve Corps officers who were assimilated into the Regular Corps pursuant to CC23.3.7, "Regular Corps Assimilation Program," have been appointed by the authority of 42 U.S.C. §209(a) & (b), which is statutorily required for the "constructive credit" provisions of 42 U.S.C. §209(d)(1) to be applicable. The former Reserve Corps officers who were on active duty on 23 March 2010, the date of passage of the Affordable Care Act, were deemed Regular Corps officers by revised 42 U.S.C. §204(b). Because such officers were not appointed to their positions pursuant to 42 U.S.C. §209(a) & (b), the provisions of §209(d)(1) for constructive credit do not apply to this group of officers.

7. I was in the Inactive Reserve Corps (IRC) of the United States Public Health Service as of March, 23, 2010. How does this affect my situation?

The Deemed Regular provision of the ACA is not applicable to the IRC. This Directive does not apply to officers who were in the IRC on March 23, 2010.

8. At what permanent grade will I be appointed into the Regular Corps?

You will be appointed to the Regular Corps in the permanent grade that you held on March 23, 2010.

9. I was selected for a permanent grade promotion since March 23, 2010. How does this affect my situation?

The results of the permanent grade promotions for the promotion years 2010 and 2011 are posted on the CCMIS website. Orders to promote officers in the permanent grade as listed have not yet been issued. Once orders placing all officers into the Regular Corps have been processed, we will begin issuing the permanent grade promotion orders effective the date that reflects the posted promotion results identified above. Those results can be found from a link under the *What's New* heading on the Commissioned Corps Management Information System (CCMIS) Website home page, or from a link on the Promotion Information Website under the Services tab.

10. Will all the personnel orders issued since March 23, 2010 be amended to correct my Regular Corps status?

No. Since the effective date of the personnel orders will be set to March 23, 2010, orders issued subsequent to, but effective after that date will refer to information contained on the "Reserve Deemed Regular" personnel order.

11. I had applied for assimilation in years past; will this affect anything?

No. The last time assimilation boards met was the year 2009. Applications for assimilation are kept active for 3 years. If you applied within the past 3 years, your application for assimilation date will appear in your PIR. However, unless you had been both recommended for assimilation and confirmed by the Senate, prior to March 23, 2010, your assimilation application expired. However you have been deemed to be in the Regular Corps as a result of the ACA.

12. I had applied for assimilation and been told by my agency that my name was sent to the Senate. Does this have an effect on my status?

No. Official notification of assimilation only comes from the Corps. Unless your name had been confirmed by the Senate prior to the ACA, your status is that of a Reserve Corps officer who has been deemed to be in the Regular Corps as a result of the ACA. Any officer who had been reviewed by a past assimilation board but who had not received assimilation orders from the Corps to date will have an assimilation date of March 23, 2010.

13. Will my promotion information report (PIR) reflect an assimilation date?

Yes. Your Regular Corps appointment orders will reflect a March 23, 2010 effective date.

14. I was on a limited tour of duty as of March 23, 2010. Am I still on a limited tour of duty or was this limited tour removed?

While they are deemed members of the Regular Corps, officers called to active duty on a limited tour prior to March 23, 2010 must complete and comply with all the terms and conditions specified on their original appointment and call to active duty orders.

15. Will I be subject to a probationary period?

Yes. All officers deemed regular under the ACA are subject to a three year probationary period in the Regular Corps that began on March 23, 2010. During this probationary period, officers may be involuntarily separated for reasons including, but not limited to substandard performance, misconduct and lack of professionalism as a member of a uniformed service.

16. Will I be authorized to wear the Regular Corps ribbon?

Yes. Per Commissioned Corps Instruction CC27.1.1, Section 6-6., Regular Corps Ribbon, an officer who has been assimilated into the Regular Corps qualifies for the Regular Corps ribbon and appointment certificate. Once official personnel orders are placed in your eOPF notifying you of your placement in the Regular Corps and the ribbon appears in your Direct Access record, you may wear a Regular Corps ribbon. The Corps will not issue you a Regular Corps ribbon and you will be expected to purchase it at your own cost.

17. I was on active duty on March 23, 2010 but have since separated/terminated. How does this affect me?

If you are not on active duty there are some limitations on the types of personnel orders that we can execute against your official record. We will issue documentation to your official personnel file authorizing your placement in the Regular Corps. Only active duty officers have a PIR, so no adjustments will be made to that report. If you return to active duty in the Corps in the future, your PIR will be updated during the period that you remain on active duty.

18. I was on active duty on March 23, 2010 but have since retired? How does this affect me?

If you are not on active duty there are some limitations on the types of personnel orders that we can issue against your official record. We will issue documentation to your official personnel file authorizing your placement in the Regular Corps, and authorizing the regular corps ribbon for wear on your uniform. Only active duty officers have a PIR, so no adjustments will be made to that report. If you return to active duty in the Corps in the future, your PIR will be updated during the period that you remain on active duty.

19. Do I need to take any additional steps to ensure that the above actions will take place in my official record?

No. DCCPR will work to issue the orders to assimilate, promote those selected and update the systems with information that reflects your current status.