

**Chapter 1 - Administration**

**CONTENT**

General..... Part 1

Appointments in the NOAA Corps..... Part 2

Inter-Service Transfer ..... Part 3

Precedence and Authority ..... Part 4

Identification, Dependency Status, Addresses..... Part 5

Official Personnel Records Management.....Part 6

	<b>Section</b>
Mission.....	01101
Authority .....	01102
Status.....	01103
Authorized Grades .....	01104
Positions of Importance and Responsibility .....	01105
Authorized Strength.....	01106
Distribution by Grade .....	01107

**01101 MISSION**

- A. The mission of the National Oceanic and Atmospheric Administration Commissioned Officer Corps (NOAA Corps) is to integrate leadership, experience, and technology to optimize NOAA's mission of science, service and stewardship at home and around the world.<sup>1</sup> NOAA Corps officers are NOAA's operational leaders and are an integral part of NOAA's workforce. NOAA Corps officers operate and manage NOAA's fleet of ships and aircraft and serve in positions of leadership and command in NOAA, the Department of Commerce (DOC), and essential positions in other agencies as well as in the military during times of war or national emergency. The NOAA Corps provides a unique and valuable capability to the Nation and NOAA Corps officers provide a responsiveness and flexibility inherent in a commissioned personnel system.

**01102 AUTHORITY<sup>2</sup>**

- A. The Act of May 22, 1917, (40 Stat. 87-88), entitled "An Act to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes," authorized the President with the advice and consent of the Senate to commission field officers of the Coast and Geodetic Survey, equated these officers with military officers, and provided for their transfer to the military during national emergencies. Reorganization Plan 2 of 1965, as amended, (79 Stat. 1318), transferred the NOAA Corps to the Environmental Science Services Administration which in 1970 became the National Oceanic and Atmospheric Administration (NOAA) under Reorganization Plan 4 of 1970, (84 Stat. 2090).

<sup>1</sup> Unless otherwise noted all references in these directives to the "Secretary" refers to the Secretary of Commerce; "Under Secretary" refers to the Under Secretary of Commerce for Oceans and Atmosphere; the "Director" refers to the Director, NOAA Corps; the "NOAA Corps" refers to the National Oceanic and Atmospheric Administration Commissioned Officer Corps; "NCD" refers to the NOAA Corps Directives.

<sup>2</sup> Other major legislation of historical significance that affected the NOAA Corps includes:

(1) The Act of May 18, 1920 (41 Stat. 603, 33 U.S.C. 864) which, prior to its repeal, established basic parity with Navy officers for retirement purposes; and

(2) The Coast and Geodetic Survey Commissioned Officers Act of June 3, 1948 (62 Stat. 298) as amended by Public Law 87-233, September 14, 1961 (75 Stat. 506, 33 U.S.C. 851a, 852a-852b, 853e, 853, 854a-854c), Public Law 89-656 (80 Stat. 907, 33 U.S.C. 855, 858, 868a), Public Law 91-621, December 31, 1970 (84 Stat. 1863, 33 U.S.C. 857-3); Public Law 96-215, March 25, 1980 (94 Stat. 123, 33 U.S.C. 857a, 37 U.S.C. 1006, 5 U.S.C. 8521(a)); Public Law 98-498, October 19, 1984 (98 Stat. 2306, 33 U.S.C. 857-3, 853a *et seq.*); and Public Law 105-384, November 13, 1998 (112 Stat. 3457-3458, 33 U.S.C. 853(a), 853(u)). These laws are the precursors to laws currently in effect.

- B. The National Oceanic and Atmospheric Administration Commissioned Officer Corps (NOAA Corps) Act of 2002, Pub. L. 107-372, (33 U.S.C. 3001 *et seq.*), as amended by Pub. L. 110-386, outlines the status, benefits, compensation, and structure of the NOAA Corps.
- C. Executive Order 11023, dated May 28, 1962, as amended by Executive Order 13341, dated May 20, 2004, provides for the performance by the Secretary of Commerce of certain functions relating to NOAA.

**01103 STATUS**

- A. The NOAA Corps is one of the seven uniformed services of the United States. (33 U.S.C. 3001; 10 U.S.C. 101(a)(5); 37 U.S.C. 101(3))
- B. NOAA Corps officers are permanently appointed by the President. (33 U.S.C. 3026)
- C. Commissioned officers of the NOAA Corps are not required to be registered under Section 3 of the Military Selective Service Act of 1967, and are relieved from liability for training and service under Section 4 thereof (50 U.S.C. App. 456(a)(1)). A person who has served as a commissioned officer in the NOAA Corps (or its predecessor organizations) for a period of 24 months or more is not liable for induction for training and service under the Act, except as may be required after a Congressional declaration of war or national emergency. (50 U.S.C. App. 456(b)(3)(C)(ii))
- D. Active service in the NOAA Corps or its predecessor organizations is deemed to be active military service in the Armed Forces of the United States for the purposes of all rights, privileges, immunities, and benefits provided by:
  - 1. laws administered by the Secretary of Veterans Affairs;
  - 2. the Servicemembers Civil Relief Act; and
  - 3. section 410 of Title 42, as in effect before September 1, 1950. (33 U.S.C. 3072)
- E. NOAA Corps officers are subject to transfer to the service and jurisdiction of a military department during periods of national emergency. NOAA Corps officers so transferred shall have proper military status and shall be subject to the laws, regulations, and orders for the government of the service to which transfer is made. (33 U.S.C. 3061)

**01104 AUTHORIZED GRADES**

A. Authorized grades for NOAA Corps officers are listed below in the order of seniority.

<u>Grade</u>	<u>Pay Grade</u>
Vice Admiral	O9
Rear Admiral	O8
Rear Admiral (lower half)	O7
Captain	O6
Commander	O5
Lieutenant Commander	O4
Lieutenant	O3
Lieutenant (junior grade)	O2
Ensign	O1

(37 U.S.C. 201, 33 U.S.C. 3004, U.S.C. 3028(e))

**01105 POSITIONS OF IMPORTANCE AND RESPONSIBILITY**

A. The Secretary may designate positions in the Administration as being positions of importance and responsibility for which it is appropriate that NOAA Corps officers, if serving in these positions, serve in the grade of vice admiral, rear admiral, or rear admiral (lower half), as designated by the Secretary for each position. The Secretary may assign officers to those positions. (33 U.S.C. 3028(a)) (Secretarial Designation, dated November 25, 2003, December 1, 2011, August 22, 2012, and September 19, 2013, attached as Appendix 1-1)

B. One such position shall be filled by a NOAA Corps officer on the lineal list serving in or above the grade of rear admiral (lower half), who shall be responsible for the administration of the commissioned officer corps and for oversight of the operation of the administration's vessel and aircraft fleets. A NOAA Corps officer assigned to any position under this authority has the grade designated for that position if appointed to that grade by the President. For the specific purpose of administering the commissioned officer corps, that position shall carry the title of Director of the NOAA Corps. For the specific purpose of administering the vessel and aircraft fleets that position shall carry the title of Director of the Office of Marine and Aviation Operations. (33 U.S.C. 3028(c))

C. A NOAA Corps officer assigned to any position under this authority has the grade designated for that position if temporarily appointed to that grade by the President. (33 U.S.C. 3028(d)(1)) The NOAA Corps officer's temporary appointment to the grade above captain only becomes effective upon approval by the President.

- D. A NOAA Corps officer appointed to a grade under NCD 01105(A), while serving in that grade, shall have the pay and allowances of the grade to which temporarily appointed. (33 U.S.C. 3028(f))
- E. A NOAA Corps officer serving in one of the Secretarial designated positions of importance and responsibility serves at the will of the Secretary and the assignment may be ended at such time as the Secretary determines.
1. Upon termination of the assignment, the Secretary may:
    - a. assign the NOAA Corps officer to another position which is the same flag grade as the position being vacated. In such case, the officer would continue to receive the pay and allowances of the grade to which temporarily appointed;
    - b. assign the NOAA Corps officer to another position at a higher flag rank than that previously held. Unless appointed to the higher flag grade by the President before the assignment is effected, the officer is only entitled to the pay and allowances for his or her permanent grade; or
    - c. assign the NOAA Corps officer to another position at a lower flag grade than that previously held. Unless appointed to the lower flag grade by the President before the assignment is effected, the officer is only entitled to the pay and allowances for his or her permanent grade.
  2. Unless appointed or assigned to another position for which a higher grade is designated, a NOAA Corps officer who has served in a grade above captain reverts to the grade and lineal number the NOAA Corps officer would have occupied but for serving in a grade above that of captain. In such case, the NOAA Corps officer shall be an extra number in that grade. (33 U.S.C. 3028(d)(2))
- F. The number of NOAA Corps officers serving under appointments specified in NCD 01105(A), may not exceed:
1. one in the grade of vice admiral;
  2. two in the grade of rear admiral; and
  3. two in the grade of rear admiral (lower half),
- provided that the total number of NOAA Corps officers serving on active duty at any one time in the grade of rear admiral (lower half) or above may not exceed four. (33 U.S.C. 3028(e)(1)-(2))

- G. The assignment of a NOAA Corps officer under NCD 01105(A), creates a vacancy on the lineal list. However, the appointment of a NOAA Corps officer under this section does not vacate the permanent grade held by the officer. (33 U.S.C. 3028(g)(1)(2))

**01106 AUTHORIZED STRENGTH**

- A. The authorized strength of the NOAA Corps is currently 321 officers, and as set by Congress for future years. (33 U.S.C. 3005)
- B. The authorized strength may be temporarily exceeded provided the average number of officers on active duty for the fiscal year does not exceed the authorized number. (33 U.S.C. 3004(e))
- C. In addition to those otherwise authorized, 20 additional NOAA Corps officers may be appointed for service in international development programs. (22 U.S.C. 2396(a)(16))

**01107 DISTRIBUTION BY GRADE**

- A. The authorized number of NOAA Corps officers on the lineal list shall be distributed in permanent grades in the proportion of 8 percent in the grade of captain, 14 percent in the grade of commander, 19 percent in the grade of lieutenant commander, 23 percent in the grade of lieutenant, 18 percent in the grade of lieutenant (junior grade), and 18 percent in the grade of ensign. (33 U.S.C. 3004(a))
- B. Whenever a final fraction occurs in computing the authorized number of NOAA Corps officers in any grade, the nearest whole number shall be taken, and if such fraction be one-half, the next higher whole number shall be taken. However, the authorized number established under the annual appropriation act shall not be increased as a result of the computations described herein and, if necessary, the number of NOAA Corps officers in the lowest grade shall be reduced accordingly. (33 U.S.C. 3004(b))
- C. A NOAA Corps officer will not be reduced in grade or pay or separated from the Service as a result of any computations made to determine the authorized number of NOAA Corps officers in the various grades. (33 U.S.C. 3004(c))
- D. Nothing herein shall be construed as requiring the filling of any vacancy or as prohibiting additional numbers in any grade to compensate for vacancies existing in higher grades. (33 U.S.C. 3004(d))

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	<b>Section</b>
General Provisions and Scope .....	01201
Types of Original Appointments .....	01202
General Qualifications .....	01203
Dual Commissions Prohibited .....	01204
Mental Qualifications.....	01205
Physical Qualifications .....	01206
Educational Qualifications.....	01207
Constructive Credit .....	01208
Application Process .....	01209
Selection Process .....	01210
Appointment Process .....	01211
Reappointment .....	01212
Basic Officer Training Class.....	01213

**01201 GENERAL PROVISIONS AND SCOPE**

- A. The purpose of this part is to describe the various types of appointments permitted by law, and to explain the policies and procedures by which each type of appointment may be obtained.
- B. Types of Appointments:
  - 1. An original appointment is defined as the appointment of an officer in the NOAA Corps which is the officer's most recent appointment in the Corps that is neither a promotion nor a demotion. (33 U.S.C. 3021; 33 U.S.C. 3002(a); 10 U.S.C. 101(b)(10)) Original appointments may be either permanent or temporary.
  - 2. Promotions are a particular type of appointment in which a NOAA Corps officer is promoted to and appointed in a higher grade. Promotions are discussed in NCD Chapter 4.
  - 3. Reappointments occur when a NOAA Corps officer resigns from the NOAA Corps and subsequently seeks to return to the NOAA Corps. Original appointment procedures apply and a reappointment will not be effected prior to Presidential approval.
  - 4. Inter-service transfers are appointments in which a commissioned officer transfers from one uniformed service to another uniformed service without a break in service. (10 U.S.C. 716) Inter-service transfers are discussed in NCD 01301 - 01304.

**01202 TYPES OF ORIGINAL APPOINTMENTS**

- A. Permanent appointments are made by the President. (33 U.S.C. 3026) A permanent appointment shall not be effective until the Secretary receives from the President, or from the President's representative, information showing that the Presidential approval for appointment as a commissioned officer. (Executive Order 11023, as amended by Executive Order 13341) The Secretary, in the name of the President, shall issue to each officer a commission evidencing the appointment of such person after receiving the Presidential approval. (Executive Order 11023, as amended by Executive Order 13341) The effective date specified in the commission will be deemed for all purposes to be the date of appointment. Original permanent appointments may only be made in the grades of ensign, lieutenant (junior grade), and lieutenant. (33 U.S.C. 3021(a)(1))

- B. Original temporary appointments in the grade of ensign are made by the Secretary. Such temporary appointments may only be made at the grade of ensign, and they will be terminated not later than the close of the next regular session of the Congress. (33 U.S.C. 3029(a), as amended by Pub. L. 112-166; Executive Order 11023, as amended by Executive Order 13341)

**01203 GENERAL QUALIFICATIONS**

- A. Original appointments to the NOAA Corps in grades up to and including lieutenant are made based on the qualifications of individual applicants and the needs of the Service. Each applicant must:
1. be a citizen of the United States of good moral character; (33 U.S.C. 3021(a)(2)(A); 10 U.S.C. 532(a)(1)(3));
  2. be able to complete 20 years of active commissioned service before his or her 62nd birthday; (33 U.S.C. 3021(a)(2)(A); 10 U.S.C. 532(a)(2));
  3. have satisfactorily passed the prescribed mental and physical examinations; (33 U.S.C. 3021(a)(2)(A), 3021(a)(3); 10 U.S.C. 532(a)(4));
  4. meet the prescribed standards of education; (33 U.S.C. 3021(a)(2)(B)); and
  5. have not been twice not selected for promotion in another uniformed service. (33 U.S.C. 3021(a)(2)(B))
- B. An applicant shall be rated on collegiate record, work experience, references, the report of the interviewing officer, and all other available information.
- C. Qualified applicants are normally appointed in the temporary grade of ensign. (33 U.S.C. 3029(a); Executive Order 11023, as amended by Executive Order 13341) However, an applicant who surpasses the minimum requirements may be appointed in a permanent grade up to and including lieutenant. Such permanent appointments may only occur after receiving approval by the President. (33 U.S.C. 3021(a), 33 U.S.C. 3026)

**01204 DUAL COMMISSIONS PROHIBITED**

- A. A commissioned officer of the NOAA Corps may not be a member of another uniformed service. Except for inter-service transfer in accordance with NCD 01301, an applicant for appointment in the NOAA Corps who is a member of another uniformed service shall terminate their commission in that service or obtain a conditional release from their present service before being commissioned in the NOAA Corps.

**01205 MENTAL QUALIFICATIONS**

- A. The NOAA Corps is authorized to establish qualifications for original appointments. (33 U.S.C. 3021(a)(3)) To be eligible for an original appointment, an applicant must meet the following mental qualifications. Mental qualifications refer to the traits considered of such importance that deficiencies would indicate an inability to adequately perform the duties required of a NOAA Corps officer. If there is any doubt as to the mental stability of the candidate it shall be resolved after conferring with appropriate medical personnel. In reaching a determination of moral fitness, the following shall be considered:
1. A finding of moral unfitness is usually based on misconduct of a candidate. It may be based on a specific act or a series of matters, which when taken together, evidence a pattern sufficiently serious to disqualify the candidate for appointment. Common grounds for findings of moral disqualification include, but are not limited to, habitual drunkenness, financial irresponsibility, gambling, improper use of drugs, insubordination, false official statements, sexual deviancy, or other disgraceful or scandalous conduct.
  2. Consideration will also be given as to whether the candidate being considered for appointment has lived up to the provisions of DOC Administrative Order 202-735A (Employee Responsibilities and Conduct) and the NOAA Corps Directives (NCD).

**01206 PHYSICAL QUALIFICATIONS**

- A. The NOAA Corps is authorized to establish qualifications for original appointments including but not limited to a physical examination. (33 U.S.C. 3021(a)(3))

**01207 EDUCATIONAL QUALIFICATIONS**

- A. To be eligible for an original appointment, an applicant must meet the following minimum educational standards:
1. Applicants must hold a baccalaureate degree, preferably in a major course of study related to NOAA's scientific or technical activities, awarded from a postsecondary institution accredited by the U.S. Department of Education. Accreditation can be verified at the Department of Education website. If the applicant has completed all requirements for the degree but the actual awarding has not been made, a statement by the institution that the award will be made, prior to appointment, will be accepted; and
  2. All applicants, regardless of degree(s) awarded, must have completed at least 48 semester (72 quarter) hours in science, math or engineering course work pertaining

to NOAA's mission. Course work may include college level calculus and/or physics. (33U.S.C. 3021(a)(2)(B)) The Director may waive this requirement based on the needs of the Service.

**01208 CONSTRUCTIVE CREDIT**

- A. Original appointments may be made in grades up to and including lieutenant. (33 U.S.C. 3021(a)(1)) The Officer Personnel Board (OPB) may recommend credit for prior commissioned service. (33 U.S.C. 3021(c)) All credit for prior commissioned service must be approved by the Director. These provisions do not apply to inter-service transfers pursuant to NCD 01304(F)(2).
- B. Credit is allowed:
  - 1. For non-NOAA prior commissioned service, constructive credit shall be granted for full-time, active-duty commissioned service at the rate of 50 percent of the creditable service time. Further credit may be granted on an individual basis for commissioned service experience immediately required by NOAA. Constructive credit will not be granted for enlisted service. Total constructive credit shall not exceed 100 percent of the creditable service time and if granted will be applied upon appointment to the grade of lieutenant (junior grade) or above. Credit for pay purposes will be granted at the rate of 100 percent of the creditable service time. Credit will only be granted for service characterized as Honorable. Upon appointment to the NOAA Corps, all prior service medical and personnel records will be transferred to the Commissioned Personnel Center (CPC).
  - 2. For prior commissioned service in the NOAA Corps, constructive credit shall be granted at the rate of 100 percent of prior service time. For pay purposes, 100 percent of prior NOAA Corps time will be granted. Credit will not be granted for service other than honorable.

**01209 APPLICATION PROCESS**

- A. The Director, CPC, shall prepare and disseminate information relating to applications for appointment in the NOAA Corps.
- B. Recruiting shall be conducted by individuals designated by the Director. An applicant for appointment shall be personally interviewed by a NOAA Corps officer as part of the recruiting process.
- C. Each applicant shall submit or have submitted, as appropriate:
  - 1. personal Data Resume (PDR) NOAA Commissioned Corps (NOAA Form 56-40A);

2. application for Appointment in the NOAA Commissioned Officer Corps (NOAA Form 56-42);
3. official transcript(s) from all colleges/universities attended;
4. letters of recommendation (NOAA Form 56-42A) from three to five references (previously designated) submitted directly to the Recruiting Officer; and
5. each applicant with prior uniformed service shall submit official or certified copies of all discharges (Department of Defense (DoD) DD-214 Member 4 copy), National Guard Report of Separation and Record of Service (NGB) NGB-22, or service equivalent and copies of Fitness Report/Officer Evaluation Report (FITREPs/OERs) covering applicant's most recent five years of service.

**01210 SELECTION PROCESS**

- A. The Director shall prescribe the number of applicants to be selected for commissioning and the basic qualifications necessary to fulfill the needs of the NOAA Corps.
- B. The Director, CPC, shall review all applicants and eliminate those not meeting established criteria.
- C. The OPB shall convene to review all qualified applicants and recommend in writing candidates for appointment to the Secretary and the President. The OPB shall consist of not less than five NOAA Corps officers on the lineal list in the permanent grade of commander or above. (33 U.S.C. 3022(a))
- D. The Director shall review the OPB's recommendations and forward those recommendations to the Secretary, along with any comment. The Director shall indicate to the Secretary whether each recommendation for selection is for temporary appointment within the authority of the Secretary, or for permanent appointment within the authority of the President.
- E. Role of the Secretary
  1. Upon review of the recommendations of the OPB, the Secretary shall make those temporary appointments in the grade of ensign as deemed appropriate. (33 U.S.C. 3029(a); Executive Order 11023, as amended by Executive Order 13341) In making temporary appointments in the grade of ensign, the Secretary may accept or reject the recommendations of the OPB in whole or in part. (33 U.S.C. 3022(c))

2. The Secretary shall review the recommendations of the OPB for permanent appointment. The Secretary may accept or reject the recommendations of the OPB in whole or in part. Recommendations of the OPB approved by the Secretary shall be forwarded to the President. Should the Secretary not accept one or more of the recommendations made by the OPB, the Secretary shall return the rejected recommendations to the OPB with instructions to make such further recommendations as are acceptable. (33 U.S.C. 3022(c)) Permanent appointments shall not be effective until the Secretary receives from the President, or from the President's representative, approval by the President for appointment as a NOAA Corps officer. (33 U.S.C. 3026; Executive Order 11023, as amended by Executive Order 13341) The Secretary, in the name of the President, shall issue to each officer, a commission evidencing the appointment of such person. The effective date specified in the commission will be deemed for all purposes to be the date of appointment. (Executive Order 11023, as amended by Executive Order 13341)

**F. Role of the President**

1. The Secretary shall forward to the President those recommendations for permanent appointment which he or she accepts. The President may reject any recommendation forwarded. If the President rejects a recommendation, the President shall return the rejected recommendation to the OPB with instructions to make such further recommendations as are acceptable. (33 U.S.C. 3022(c))
2. If the President accepts the recommendations, the President will sign the President approval. Permanent appointments shall not be effective until the Secretary receives from the President, or from the President's representative, the President's approval for appointment as a NOAA Corps officer. (33 U.S.C. 3026; Executive Order 11023, as amended by Executive Order 13341) The Secretary, in the name of the President, shall issue to each approved candidate a commission evidencing their appointment. The effective date specified in the commission will be deemed for all purposes to be the date of appointment. (Executive Order 11023, as amended by Executive Order 13341)

**01211 APPOINTMENT PROCESS**

- A. The Director, CPC, will advise selected applicants of specific actions required to effect their appointments in the NOAA Corps.
- B. Before appointment, each applicant will execute the forms as prescribed by the NOAA Corps Recruiting Branch.

- C. Each selected applicant must accept in writing the appointment offered and take the prescribed Oath of Office. (5 U.S.C. 3331) The oath of office will be administered by the Director or the Director, CPC. (5 U.S.C. 2903)
- D. The commission of a NOAA Corps officer may be revoked by the Director during the first three years of service if the officer is found not qualified for Service. (33 U.S.C. 3021(a)(4); Executive Order 11023, as amended by Executive Order 13341) Such qualification shall include satisfactory completion of a background investigation to determine eligibility for access to classified national security information and execution of the Classified Information Non-Disclosure Agreement (SF-312). The loss of a security clearance will result in the automatic revocation of a commission.

**01212 REAPPOINTMENT**

- A. Former NOAA Corps officers who have voluntarily resigned from the NOAA Corps and who wish to rejoin the NOAA Corps may apply to the Director for reappointment. Those desiring reappointment must follow the application procedure in NCD 01209.
- B. A request for reappointment in the NOAA Corps will be treated as an application for original appointment. The selection and appointment procedures in NCD 01210 and 01211 are applicable.
- C. NOAA Corps officers may only be reappointed in the grades of ensign, lieutenant (junior grade) and lieutenant. (33 U.S.C. 3021)
- D. Reappointments to the permanent grades of ensign, lieutenant (junior grade), or lieutenant will not be effective until Presidential approval is received. (33 U.S.C. 3026) The Secretary, in the name of the President, shall issue to each officer confirmed a commission evidencing the appointment of such person. (Executive Order 11023, as amended by Executive Order 13341)

**01213 BASIC OFFICER TRAINING CLASS (BOTC)**

- A. All NOAA Corps officers will attend BOTC following appointment, unless the officer has prior NOAA or other commissioned service in a particular field which may preclude the need to attend BOTC. Any determination to exempt a NOAA Corps officer from BOTC following appointment will be made by the Director, or his or her designee, and will not be appealable.

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	<b>Section</b>
Policy .....	01301
Responsibilities .....	01302
Transfer from the NOAA Corps .....	01303
Transfer to the NOAA Corps .....	01304

**01301 POLICY**

- A. Inter-service transfer (IST) is the transfer of commissioned officers serving on active duty, between uniformed services, and the transfer of commissioned officers not on active duty, between the reserve components of the uniformed services. Transfers are made only between equivalent services, such as from reserve to reserve and from regular to regular. The NOAA Corps does not have a reserve component; therefore, ISTs will not be accepted from a reserve component.
- B. Commissioned officers qualified to contribute to an activity of another service shall be given the opportunity to apply for transfer without an interruption in their service career.
- C. Transfers shall not be accomplished without the request or consent of the commissioned officer concerned, except if the President determines a sufficient national emergency exists. (33 U.S.C. 3061(a)(2); 10 U.S.C. 716(a))
- D. A commissioned officer shall not be transferred from one service and appointed in another service with a precedence or relative rank higher than that held on the day before such transfer. (10 U.S.C. 716(b))
- E. Transfers shall be made only within the authorized strength limitations of the gaining service. (10 U.S.C. 716(a))
- F. Release of a commissioned officer for an inter-service transfer under this regulation will not constitute a release from or fulfillment of a uniformed service obligation established by 10 U.S.C. 651. However, additional service performed after a transfer shall be counted toward fulfillment of such obligation.
- G. Transfers are subject to the concurrence of both the gaining and losing services. (10 U.S.C. 716; DoD Directive 1300.4, November 15, 1996, attached as Appendix 1.4).
- H. While intended for use primarily in the technical fields to permit the fullest possible use of commissioned officers with critical or unusual skills, inter-service transfers between the services are not restricted to technical specialties.
- I. A member of a regular component of the uniformed services precluded from inter-service transfer to the NOAA Corps under the provisions of this regulation may apply for direct appointment.
- J. The authority to effect inter-service transfer rests with the Secretary, in the name of the President. (Executive Order 11023, as amended by Executive Order 13341) Inter-service transfer to or from the NOAA Corps will not be effective until approval for the transfer is obtained from the Secretary.

**01302 RESPONSIBILITIES**

- A. Heads of gaining service components, their designees, or the officers concerned shall initiate requests for transfer.
- B. The Service Secretaries, or their designees, shall:
  - 1. indicate their concurrence or non-concurrence of the proposed transfer;
  - 2. recommend to the Secretary that he or she accomplish transfers when the proposed transfer is acceptable to both the gaining and the losing services; and
  - 3. withdraw concurrence with the proposed or approved transfer when not considered to be in the best interest of either service, unless the transfer has already been approved by the Secretary.

**01303 TRANSFER FROM THE NOAA CORPS**

- A. A NOAA Corps officer desiring transfer to a regular component of another service shall apply, by letter, to the Director via the chain of command. The letter must include the following information:
  - 1. full name, current grade and date of rank;
  - 2. complete title and mailing address of the command to which presently assigned;
  - 3. total amount of active commissioned service;
  - 4. date and place of birth, citizenship and how acquired;
  - 5. educational background and a detailed statement of professional and technical qualifications;
  - 6. summary of any previous inter-service transfer actions;
  - 7. statement of the reasons for requesting transfer; and

8. a contingent resignation that will include the following statement: "I hereby tender my resignation from the NOAA Corps and request that it be accepted contingent upon final approval of my application for transfer to the [specify gaining service] and effective as of the day preceding the date of my acceptance and appointment in the [specify gaining service]."
- B. The officer's immediate supervisor may provide a forwarding endorsement indicating whether the transfer is considered to be in the best interests of NOAA and the officer.
- C. Requests for inter-service transfer shall be made at least six months before the date on which the desired transfer is to be effective. If the Director concurs, the request will be forwarded to the Secretary of the gaining service, or their designated representative.
- D. Upon approval of an inter-service transfer, the termination of an officer's commission and subsequent appointment in the gaining service will be accomplished without interruption of service. The gaining service will forward the transferee's initial appointment and first duty orders to the Director. These orders will be forwarded to the officer as an acceptance of the resignation and will be executed the day following the separation from the NOAA Corps.
- E. The transferring officer's official personnel and medical records will be verified current, and a copy will be forwarded to the gaining service. A complete statement of service, including pay entry base date and leave balance at the time of transfer, will be included with the records.

#### **01304 TRANSFER TO THE NOAA CORPS**

- A. A commissioned officer of a regular component of a service seeking a transfer to the NOAA Corps shall submit a request for consideration to the Director. The Director shall forward the request to the OPB for consideration.
- B. Requests for inter-service transfer to the NOAA Corps will be evaluated on a case-by-case basis. An inter-service transfer request will be approved only when the NOAA Corps requires a particular skill and does not have sufficient numbers of active duty personnel at the appropriate grades or the necessary skills to meet the need.
- C. All applicants for transfer to the NOAA Corps must satisfy the requirements prescribed for appointment, NCD Chapter 1, Part 2. The Director may waive the educational requirements based on the needs of the Service.

- D. The OPB shall review the request and make a recommendation to the Secretary as to whether the request should be approved. (33 U.S.C. 3022)
1. If the OPB recommends the request for inter-service transfer should be denied, the OPB will inform the Director. The Director will forward the recommendation, along with his or her own comments, to the Secretary. If the Secretary concurs with the denial of the transfer, the Director, CPC, will inform the applicant.
  2. If the OPB recommends that the request for inter-service transfer should be approved, the following procedures apply:
    - a. The Director shall forward the recommendation, along with any comments, to the Secretary.
    - b. The Secretary shall review the recommendation. If the Secretary concurs with the OPB's recommendation, the Director will forward the request to the Secretary of the losing service. The request shall be accompanied by a consent letter from the officer concerned.
- E. Upon receipt of a concurrence from the Service Secretary concerned, the Director will forward to the Secretary a request that the transfer be approved and effected. An inter-service transfer will not be effected until the Secretary's approval is obtained. (10 U.S.C. 716; Executive Order 11023, as amended by Executive Order 13341)
- F. Placement of a commissioned officer transferred to the NOAA Corps on the active-duty lineal list shall be determined by the Director, CPC, provided that:
1. The officer transferred shall not be assigned precedence or relative rank higher than that which the officer held on the day before transfer. (10 U.S.C. 716(b))
  2. The officer transferred shall continue to hold the same date of rank in the losing service. The officer transferred will be placed on the lineal list below all other officers with the same date of rank.
- H. When the transfer is accomplished, the officer's personnel and medical records will be transferred to the NOAA Corps by the losing service. The officer will be credited with the total amount of unused leave and active duty service accrued as of the day before the transfer.

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	<b>Section</b>
Policy .....	01401
Precedence Among NOAA Corps Officers .....	01402
Precedence When Serving with the Armed Forces.....	01403
Exercise of Authority .....	01404
Authority in Special Situations .....	01405
Succession to Command .....	01406

**01401 POLICY**

- A. Precedence is determined by rank and grade as defined below:
1. The order of precedence among members of the uniformed services. (37 U.S.C. 101(16); 33 U.S.C. 3002(a); 10 U.S.C. 101(b)(8)) Rank may also be described as that character or quality bestowed upon individuals which marks their station and confers eligibility to exercise command or authority in a uniformed service within the limits prescribed by law.
  2. A step or degree in a graduated scale of office or rank that is established and designated as a grade by law or regulation. (37 U.S.C. 101(15); 33 U.S.C. 3002(b)(2))
- B. Authority is derived from the authority of superiors, if properly delegated, or may be inherent to the position, grade or rank held.

**01402 PRECEDENCE AMONG NOAA CORPS OFFICERS**

- A. The Director holds the grade of rear admiral while so serving and takes precedence over all officers of the NOAA Corps, except an officer of the NOAA Corps serving in the grade of vice admiral.
- B. Precedence of all other NOAA Corps officers shall be arranged on the lineal list by the Director upon recommendation of the OPB. (33 U.S.C. 3022(b)(1))
- C. Precedence of NOAA Corps officers of the same grade is determined by comparing placement on the lineal list. A NOAA Corps officer whose date of rank is earlier than the date of rank of another officer is senior to that officer except as indicated in NCD 01402(A).
1. Upon the original appointment in the NOAA Corps, a NOAA Corps officer shall be placed on the lineal list of Commissioned Officers alphabetically upon completion of Basic Officer Training Class (BOTC). Upon completion of BOTC an OPB will convene to approve the rankings received from the Commanding Officer, NOAA Corps Officer Training Center. Rankings are determined through a combination of Academics (50%), Service Aptitude (30%) and Personal and Professional Qualities (20%).
  2. The date of rank of a NOAA Corps officer originally appointed but not scheduled to attend a BOTC shall be the date of appointment.

3. The date of rank of a NOAA Corps officer reappointed in a permanent grade shall be the date of appointment. If constructive credit is applied, the officer may be adjusted on the lineal list. The officer will be placed below all other officers on the lineal list with the same date of rank. (33 U.S.C. 3022(b)(1))
  4. A NOAA Corps officer entering on active duty and appointed in the temporary grade of ensign pursuant to 33 U.S.C. 3029(a), shall upon Presidential approval in the permanent grade of ensign, be assigned the same date of rank in the permanent grade as held in the temporary grade of ensign, unless a previous lineal list adjustment has been approved by the Director.
  5. A NOAA Corps officer appointed from the temporary grade of lieutenant (junior grade) to the permanent grade of lieutenant (junior grade) shall be assigned the same date of rank as held in the temporary grade.
  6. The date of rank of a NOAA Corps officer temporarily promoted one grade pursuant to 33 U.S.C. 3029(c), shall be the effective date of the temporary promotion while serving in that grade.
- D. The lineal number and date of rank, as necessary, of a NOAA Corps officer advanced or lowered shall be adjusted to reflect the new position on the lineal list.
- E. A NOAA Corps officer not selected for promotion because of an administrative error, or removed from the line of promotion and subsequently returned to the line of promotion without prejudice, shall be considered for promotion at the next earliest opportunity. The NOAA Corps officer is not entitled to retroactive pay due to the administrative error. Depending on the length of time the officer lost due to administrative error, the OPB may make a recommendation for lineal list adjustment.
- F. As necessary, the Director shall direct the OPB to review the record of each NOAA Corps officer on the lineal list and recommend to the Director such changes to the lineal list as may be warranted. (33 U.S.C. 3022(b)(1))

**01403 PRECEDENCE WHEN SERVING WITH THE ARMED FORCES**

- A. NOAA Corps officers serving with the Army, Navy, and Air Force, shall rank with and after officers of corresponding grade and length of service in that grade in the Army, Navy, and Air Force. (33 U.S.C. 3062)

**01404 EXERCISE OF AUTHORITY**

- A. NOAA Corps officers on active duty are at all times subject to NOAA Corps authority and shall exercise authority over all persons subordinate to them in accordance with these

Directives and orders from competent authority. Any NOAA Corps officer under arrest, suspended from duty, in confinement, or otherwise incapable of discharging NOAA Corps duties, shall not exercise authority over others.

- B. NOAA Corps officers on the retired list are subject to the authority of the NOAA Corps. A NOAA Corps officer on the retired list may not place himself or herself on duty or exercise authority over NOAA Corps officers without orders from the Director. Procedures on recall of retired officers are found in NCD Chapter 15.
- C. A NOAA Corps officer directed to command by competent authority, or who has succeeded to command, takes precedence over all NOAA Corps officers and other persons attached to the command of whatever rank or classification.
- D. A NOAA Corps officer succeeding to command because of the commanding officer's incapacity, death, departure on leave, or absence because of orders from competent authority, has the same authority and responsibility as the NOAA Corps officer whom he or she succeeds.
- E. An executive officer, while executing the duties of that position, shall take precedence over all commissioned officers under the command of the commanding officer.

**01405 AUTHORITY IN SPECIAL SITUATIONS**

- A. A NOAA Corps officer embarked as a passenger on a ship or aircraft not under his or her command, unless otherwise specified in his or her orders, has no authority over, nor responsibility for, the ship or aircraft.
- B. A NOAA Corps officer embarked as passenger or member of a scientific complement, who are junior to the commanding officer, may be assigned duty when the needs of the Service render it necessary. The Commanding Officer shall be the sole judge of this necessity. Passengers thus assigned shall have the same authority as though regularly attached to the ship, but shall have no additional claim to quarters by virtue of such assignment.

**01406 SUCCESSION TO COMMAND**

- A. Command is exercised by virtue of office or by assignment of individuals designated by competent authority.
- B. In the event of the incapacity, death, relief from duty, or absence of an officer detailed to command a unit, that officer shall be succeeded by the following, in the order enumerated:
  - 1. Shore Units

- a. the assigned (or designated) executive officer or deputy;
  - b. other assigned NOAA Corps officers in order of seniority, unless otherwise specified by competent authority.
2. Ships
- a. the assigned (or designated) executive officer;
  - b. other assigned NOAA Corps officers certified as qualified for officer-of-the-deck (OOD) watches underway in order of seniority. The commanding officer shall publish this order of succession to command.
3. Aircraft
- a. the assigned (or designated) co-pilot;
  - b. other assigned NOAA Corps officers certified as qualified aircraft commanders in order of seniority, unless otherwise specified by competent authority.
- C. Whenever a NOAA Corps officer is succeeded by a civilian as officer-in-charge (OIC) or equivalent position, the senior NOAA Corps officer assigned to the unit will become commander of the officer personnel for that organization, but all officers/personnel will remain under the authority of the civilian individual in charge of the unit.
- D. An individual who becomes commanding officer or OIC in accordance with the preceding paragraphs shall promptly report that fact and the reasons therefore to his or her immediate superior.

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	<b>Section</b>
Identification Cards - Purpose .....	01501
Identification Cards - Types.....	01502
Identification Cards - Issuance and Issuing Activity .....	01503
Identification Cards - Security and Accountability .....	01504
Emergency and Entitlement Documentation .....	01505
Address Policy .....	01506
Address Reports .....	01507
Mailing Address.....	01508
State Income Tax .....	01509

**01501 IDENTIFICATION CARDS - PURPOSE**

- A. The Department of Defense (DoD) provides members of the Uniformed Services with a distinct identification (ID) card identifying them as active duty, Guard, Reserve, or retired members and authorizing them to receive uniformed services' benefits. DoD also issues eligible family members, and other eligible individuals a distinct ID card authorizing them to receive uniformed services' benefits and privileges upon approval of the Uniformed Service Member.
- B. Uniformed Services ID cards remain the property of the United States and are issued:
  - 1. upon entrance on active duty or transfer to a retired list;
  - 2. to show a change in grade;
  - 3. upon expiration;
  - 4. to replace a lost, stolen, destroyed, or mutilated ID card; or
  - 5. to change data that make the ID card questionable.
- C. The DoD regulation governing the issuance and eligibility requirements for Uniformed Services ID cards is DoD Instruction 1000.13, Identification Cards for Members of the Uniformed Services, their dependents, and other eligible individuals.

**01502 IDENTIFICATION CARDS -TYPES**

The following identifies the types of ID cards that DoD authorizes for use by the NOAA Corps:

- A. The Common Access Card, (CAC), is the ID card for active duty uniformed services personnel. It is the primary source of identification for active duty NOAA Corps officers and must be in the personal custody of the officer at all times except that, if required by proper Government authority, it shall be surrendered for identification or investigation, or while in confinement. The card also serves as identification for purposes of Article 17 of the Geneva Convention. In the event of capture as a prisoner of war, it shall be shown to the capturing authorities but should not be surrendered.
- B. United States Uniformed Services Identification Card (Retired), (DD Form 2RET), is the primary source of identification for officers entitled to retired pay and entitlements and must be in the personal custody of the retired officer at all times except that, if required by proper Government authority, it shall be surrendered for identification or investigation, or while in confinement.

- C. Uniformed Services Identification and Privilege Card, (DD Form 1173), shall be issued to all eligible dependents of NOAA Corps officers as evidence of their eligibility for uniformed services' benefits and privileges.

**01503 IDENTIFICATION CARDS - ISSUANCE AND ISSUING ACTIVITY**

- A. ID cards for active duty officers, retired officers, and dependents of active duty and retired officers, are issued by authorized Real Time Automated Identification System (RAPIDS) facilities. RAPIDS facilities can be found at <https://www.dmdc.osd.mil/rsl>.
1. Active duty officers are required to present two forms of acceptable identification as listed on Form I-9; select a unique pin number and electronically sign DD Form 2842, DoD Public Infrastructure Certificate of Acceptance and Acknowledgement of Responsibility, prior to being issued a CAC at an authorized RAPIDS facility.
  2. Retired officers are required to present two forms of acceptable identification as listed on Form I-9, and if required, provide documentation to verify eligibility (retirement letter or orders) prior to being issued a DD Form 2RET at an authorized RAPIDS facility.
  3. Eligible family members, of active duty or retired officers are required to present DD Form 1172-2, signed by the active duty or retired officer, provide two forms of acceptable identification as listed on the Form I-9, and documentation, if required, to verify eligibility (birth certificate, marriage certificate, court document, etc.). An electronically signed DD Form 1172-2, is also acceptable and can be completed in the RAPIDS Self-Service portal. In cases where the officer is not available for signature, the NOAA Service Project Office shall be notified.
- B. If an ID card is lost, stolen, mutilated, worn, or incorrect, replacement cards may be issued at an authorized RAPIDS facility with proper documentation. For lost or stolen CAC cards, a memo signed by NOAA Officer of Security or a police report along with two forms of acceptable identification as listed on the Form I-9, will be required prior to reissuance of CAC.
- C. Any person willfully altering, damaging, lending, counterfeiting, or using ID cards in any unauthorized manner is subject to fine or imprisonment or both.  
(18 U.S.C. 499, 506, 509, 701 and 1001)

**01504 EMERGENCY AND ENTITLEMENT DOCUMENTATION**

- A. Record of Emergency Data, NOAA Form 56-14, provides a current record of personal data for each officer. This record permits NOAA to assist the officer or the officer's family in recording changes in personal status or in handling emergency situations when updated data has legal implications. Each active NOAA Corps officer shall:
1. annually complete and submit a Record of Emergency Data to CPC; and
  2. complete and submit a new Record of Emergency Data when a change in prior submission occurs as indicated in NCD 01506B.
- B. When a change in entitlement status occurs, each active and retired officer shall submit the following copies of the acceptable documents:
1. certified copy of marriage certificate;
  2. certified copy of annulment court order;
  3. certified copy of divorce decree or court orders, including interlocutory decree and any settlement agreements;
  4. certified copy of legal separation or court order including settlement agreements;
  5. certified copy of birth certificate;
  6. certified copy of adoption papers;
  7. certified copy of death certificate;
  8. updated Record of Emergency Data;
  9. BAH Dependency Data Form (USCG Form 4170), if the officer believes entitlement to basic allowance for housing (BAH) at the with-dependent rate accrues. If a dependent is also an officer of a uniformed service on active duty, that fact and whether the dependent is drawing BAH at the with-dependent rate shall be indicated;
  10. Servicemembers' Group Life Insurance Election and Certificate, or (SGLV 8286), if a change in the previously designated beneficiary is desired;
  11. Application for Uniformed Services Identification, (DD Form 1172), to obtain a dependent's identification card. Identification cards for officers or dependents that

become ineligible for previously issued cards shall be forwarded immediately to the NOAA's Service Project Officer.

**01505 ADDRESS POLICY**

- A. A NOAA Corps officer's address is recorded officially for the following purposes:
1. to communicate with him or her whenever necessary;
  2. to establish a Home of Record (HOR) and place from which ordered to active duty in order to determine entitlement to travel and transportation allowances; and
  3. to determine place of residence for State income tax withholding.
- B. For purposes of these directives, the following definitions apply:
1. "Mailing Address" is the address where a NOAA Corps officer can be reached at any time by ordinary mail. For a NOAA Corps officer on active duty, the mailing address normally is the place of duty. For a retired officer, it is the place of residence.
  2. "Home of Record" (HOR), is the place recorded as the home of a NOAA Corps officer when ordered to active duty. It is used primarily to determine travel and transportation allowances or other compensations provided by law upon entry and separation.
  3. "Place From Which Ordered to Active Duty" is the location where a NOAA Corps officer receives and executes orders to active duty. It is used primarily to determine travel and transportation allowances or other compensations provided by law upon entry and separation.
  4. "State of Legal Residence" is that place determined through the judicial process to be the legal domicile of a NOAA Corps officer. NOAA Corps officers retain the domicile they had upon entering service unless they have by overt actions manifested that they have elected to establish a domicile elsewhere. The courts and local tax authorities, in determining domicile, take into account several factors including where the NOAA Corps officer:
    - a. dwells;
    - b. exercises the right to vote in local elections;
    - c. pays taxes;

## **NOAA CORPS DIRECTIVES**

## **Chapter 1**

### **PART 5 – Identification, Dependency Status, Addresses**

- d. maintains social, religious, and civic affiliations;
- e. titles and registers his or her automobile; and
- f. has business interests of a permanent nature.

Liability for State and local income taxes is determined on the basis of State law. Servicemembers Civil Relief Act overrides a State's sovereignty only to the extent that it protects a NOAA Corps officer from double taxation.

### **01506 ADDRESS REPORTS**

- A. Immediately upon reporting to active duty, a NOAA Corps officer shall complete NOAA Form 56-18 (Report of Home of Record and Place From Which Ordered to Active Duty). Because the information recorded on this form is used in adjudicating entitlements to travel and transportation allowances, extreme care should be exercised in its completion. In some instances, a NOAA Corps officer's HOR and the Place From Which Ordered to Active Duty may be the same. If a NOAA Corps officer considers one location to be his or her "permanent home," but resides in another place for the sole purpose of attending school or for summer employment, the NOAA Corps officer may consider the "permanent home" as the HOR.
- B. The place recorded as HOR cannot be changed during a tour of active duty. A NOAA Corps officer's subsequent decision to sever connections with the HOR does not alter the fact that, by definition, the place recorded was the HOR when ordered to active duty. A correction to HOR may be authorized when, through a bona fide error, the place recorded was not the actual home of the NOAA Corps officer. Any request for correction of HOR must be submitted to the Director, CPC, together with evidence substantiating that the place to be designated was the actual home at the time of reporting for active duty.

### **01507 MAILING ADDRESS**

- A. Mailing addresses for active-duty officers are determined by their assignment orders. These addresses are used to communicate official correspondence.
- B. Retired officers shall notify the Director, CPC, and the U.S. Coast Guard Pay and Personnel Center, Retired Pay Division, 444 SE Quincy Street, Topeka, Kansas, 66683-3591, of any change in their mailing address.

**NOAA CORPS DIRECTIVES**

**Chapter 1**

**PART 5 – Identification, Dependency Status, Addresses**

**01508 STATE INCOME TAX**

- A. Government agencies withhold State income tax from the pay of persons claiming legal domicile in states that levy taxes on the income of their citizens. NOAA Corps officers are required to complete a State of Legal Residence Certificate (DD Form 2058 (CG)). The home address required on this form is the NOAA Corps officer's legal residence within the State to which he or she is obligated to pay any income tax due. At the end of each tax year, a copy of the NOAA Corps officer's Internal Revenue Service Form, W-2, Wage and Tax Statement, is forwarded to the State taxing authority indicated by the home address indicated on the certificate.
  
- B. NOAA Corps officers who are legal residents of states requiring Government agencies to withhold State income tax from pay must furnish CPC with the appropriate State withholding exemption certificate.

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	<b>Section</b>
Official Personnel Records Management .....	01601
Creation and Safeguarding of Personnel Records and Folders.....	01602
Establishment and Maintenance of Folders .....	01603
General Filing Procedures Introduction.....	01604
Document Types .....	01605
Official Personnel Folder Structure .....	01606
Request for Information.....	01607
Amendment Requests .....	01608

**01601 OFFICIAL PERSONNEL RECORDS MANAGEMENT**

A. General

1. This directive establishes policy and prescribes procedures for administering the NOAA Corps Officer Personnel Records System (paper and web-based records), applicable to active duty officers. Commissioned Personnel Center (CPC) assumes responsibility for documents originating from the Director, NOAA Corps, Director, CPC, or CPC personnel. NOAA Corps officers are responsible for ensuring their individual Official Personnel Folders contain current, complete and legible information.
2. Officer Personnel Records consist of permanent documents that contain information about the officer's career with NOAA Corps. Such documents include information about accession, training, education, performance, discipline, decorations and awards, assignments, and separation/retirement of an officer in the NOAA Corps. Documentation pertaining to the NOAA Corps officer's medical history is contained in the officer's medical folder.

B. Definitions

1. Records – Records are defined as all papers, machine-readable materials or other documentation, regardless of physical form, made or received by the Government in connection with the transaction of official personnel business and preserved as evidence of decisions or other activities of the Government. (44 U.S.C. 3001)
2. Official Personnel Folders – There are two official personnel folders which contain records that relate to the supervision over and management of NOAA Corps officers. These folders are the Officer Personnel Folder (OPF) and the Officer Medical Folder (OMF).
3. OPF Online – A secure electronic method of submitting personnel and medical documents that are uploaded into the officer's personnel or medical folders. The approved and/or updated document is scanned into the officer's file. All personnel using or maintaining OPF Online and preparing associated documents must maintain the security and integrity of the records and documents at all times. Documents must be legible PDF copies or originals for imaging into the electronic system. This system is not authorized to accept personnel pay documentation. Pay documents should be forwarded to NOAA Corps Payroll.
4. The National Archives and Records Administration (NARA) – Administers the Federal Records Management Program. NARA's regulations on records creation, maintenance, and disposition are in Chapter XII of Title 36, Code of Federal Regulations.

**01602 CREATION AND SAFEGUARDING OF PERSONNEL RECORDS AND FOLDERS**

A. Creation of Records

1. Personnel records and folders must be created as they are required by law, Executive Order, regulation, operational guidance from central management agencies and/or agency records management programs.

B. Privacy Act Records

1. The Privacy Act of 1974, as amended (5 U.S.C. 552a) applies to records under the control of an agency about an individual, such as employment history, that contain the individual's name or some other item that identifies that person, and from which information is retrieved by the name or other particular assigned to the individual (e.g., The Privacy Act applies to the Official Personnel Folders).
2. CPC must ensure personnel records subject to Privacy Act are secured against unauthorized access. For example, paper or microfiche/ microfilmed personnel records subject to the Privacy Act are required to be stored in locked metal file cabinets or in a secured room.
3. Access to personnel records subject to Privacy Act will be limited to those whose official duties require such access. This limitation applies to paper, microfiche/ microfilm, and electronic records.
4. CPC has established procedures to allow officers or their designated representative(s) access to their Official Personnel Folders. Officers may access their records electronically via the CPC website using their NOAA email account user name and password.
5. CPC must ensure those authorized to access personnel records subject to the Privacy Act understand how to apply the Act's restrictions on disclosing this information. See Section 06107, of this chapter for instructions regarding requests for release of information from personnel records.
6. Personnel must exercise care to prevent unauthorized disclosure and ensure documents are properly disposed of by shredding or other secure disposal methods.

C. Safeguarding Personnel Records

1. The CPC's management controls ensure personnel records:

- a. adequately document human resource management decisions;
  - b. are accurate and timely;
  - c. are protected against loss or unauthorized alteration;
  - d. document the employment history of members of the NOAA Corps;
  - e. can be located when necessary; and
  - f. are retained and disposed of as required by NOAA Filing - Disposition Handbook, OPM and NARA.
2. OPM’s regulations on privacy procedures for personnel records are located in Title 5, Part 297, of the Code of Federal Regulations. The material in this chapter summarizes those regulations as general guidance.
- D. Disciplinary Action
1. Any employee who discloses any information from an officer’s Official Personnel Folders may be subject to disciplinary action.

**01603 ESTABLISHMENT AND MAINTENANCE OF FOLDERS**

- A. When an applicant is hired into the NOAA Corps, CPC personnel will create the following Official Personnel Folders:
1. Officer Personnel Folder (OPF)
  2. Officer Medical Folder (OMF)
- B. If the officer is an inter-service transfer, the personnel and medical records that document the individual's uniformed service career are consolidated and merged into the Official Personnel Folders as prescribed in this directive.
- C. Folder Label
1. The Officer Personnel Folder and Officer Medical Folder require the same type of label. The label is placed on the right side of the folder. The label must have the following items in the order set forth below.
    - a. NAME: The officer's name appears on the folder exactly as is on his/her Temporary Appointment Certificate or Commission. (Last Name, First

Name and Middle Initial) (e.g. DOE, JOHN R.)

- b. **SOCIAL SECURITY NUMBER:** The officer's last four digits of their social security number (SSN) is listed directly under the name.  
DOE, JANE R.  
SSN: 9999

**D. Marks or Notations on Folders**

- 1. Do not make any marks or notations on the Official Personnel Folders. Only official codes authorized by NARA's National Records Center are permitted on the front of the folders. Official authorized codes can be found at <http://www.archives.gov/frc/>.

**01604 GENERAL FILING PROCEDURES INTRODUCTION**

- A. Appropriate personnel records are filed in the Official Personnel Folders to document events that have long-term significance for the NOAA Corps officer and the Government. These records consist of both electronic and paper documents. Care is exercised in filing documents correctly, ensuring all documents pertaining to an officer's rights and benefits are available at all times.
- B. Documents are filed in the Official Personnel Folders that are either long-term or temporary.

**01605 DOCUMENT TYPES**

- A. Long-term documents are documents kept for the life of the folders, usually 115 years from the officer's date of birth. These documents are filed in chronological order in the appropriate section of the personnel folder. (e.g. appointment affidavits, commissions, and evaluations).
- B. Temporary documents are documents that are not kept for the life of the personnel folders. These documents are filed in the appropriate section of the personnel folder and are removed or replaced as necessary (e.g. Servicemembers' Group Life Insurance (SLGI) elections, and Record of Emergency Data forms).
- C. Prohibited documents are records that must never be placed in a personnel folder. The prohibition may come from law, such as the Privacy Act, or from regulation such as Title 29 of the Code of Federal Regulations.

- D. Rescinded filing requirements are document filing requirements that are cancelled as of a given date. When filing requirements are rescinded, the document(s) should no longer be filed in the personnel folders.

**01606 OFFICIAL PERSONNEL FOLDER STRUCTURE**

- A. Officer Personnel Folder Structure (OPF)

**Section 1: Career Documentation**

Temporary Appointment Certificate  
Commission(s)/Promotion Letter(s)  
Temporary Promotion Certificate  
Constructive Credit Memorandum  
Advanced Standing Correspondence  
Lineal Placement Correspondence  
Personal Biography (most recent only)  
Officer Personnel Board (OPB) Notifications  
Board Membership Memorandum(s) (OPB, UAB, AAB)

**Section 2: Education and Training**

Official School Transcripts (transcripts evidencing Degree Completion)  
Degree Certificates  
Professional Licenses  
Designation Letters/Revocation Letters (OOD, Aviation, Diver, etc.)  
Approved Training Course Certificates  
Promotion Training Requirement Waiver/Substitution Letters  
Part-Time University Training (PUT) Correspondence  
Full-Time University Training (FUT) Correspondence (rescinded)

**Section 3: Performance**

Officer Evaluation Reports (OER) and related correspondence  
Awards/Insignia  
Letters of Appreciation/Commendation/Recognition  
Sea Service Award Worksheets  
Disciplinary Letters and Actions

**Section 4: Accession and Separation**

Application for Appointment  
Appointment Affidavit/Oath of Office  
Drug Testing Acknowledgement

Service Active Duty Agreement(s)  
Home of Record  
State of Legal Residence  
Notification of Security Clearance  
Resignation/Retirement Requests/Approvals/Withdrawals  
Discharge Form (DD Form 214) (All Services)  
Discharge Form (NOAA Form 56-16)  
Servicemembers' Civil Relief Act Acknowledgement (SCRA)

**Section 5: Assignment**

Permanent Change of Station Orders (PCS)  
Permanent Change of Assignment Orders (PCA)  
Temporary Duty Orders to Ships and Aircraft (TDY)  
Detail Assignment Packages/Memorandum  
Acting CO/XO FOO Letters

**Section 6: Personal and Dependency**

Record of Emergency Data Form (most recent only) (NOAA Form 56-14)  
Original/Certified Copies of Birth Certificates  
Original/Certified Copies of Marriage Certificates  
Divorce Decree/Court Order Documents  
Application for Uniformed Services Identification and Privilege Card  
(DD Form 1172-2)(most recent only)  
Servicemembers' Group Life Insurance Election (SGLI) (most recent only)  
Survivor Benefit Plan Election  
Letters of Condolence  
Change of Home Address Documentation  
Name Change Request/Approval Memorandums

**B. Officer Medical Folder (OMF)**

**Section 1: History of Medical Care**

Exam Checklist  
History and Physical, Aviation/Dive Physical  
Audiology  
Spirometry Results  
NOAA Respirator Medical Evaluation Questionnaire (NOAA Form 57-17-02)  
Physical Condition Certification  
Medical Review Board/Medical Waiver(s)

**Section 2: Medical Treatment**

Specialty/Consultations/Eyewear Prescription  
Surgery/Emergency Care/Urgent Care  
Progress Notes

**Section 3: Laboratory Reports**

**Section 4: Imaging Studies**

Radiological Consults/Reports

**Section 5: Electrocardiograms**

Electrocardiography (EKG) Tracings/Reports

**Section 6: Miscellaneous**

Medical Record Release/Privacy Act Disclosure  
Risk Factor Screening/Physical Readiness  
Immunization Record  
Other Relevant Information

**Section 7: Dental**

**Section 8: Correspondence**

Temporary Not Fit for Duty Letters, Memos etc.

**01607 REQUESTS FOR INFORMATION**

**A. General**

1. This section covers requests for information from the Officer Personnel Folder and Officer Medical Folder. These records are covered by the Privacy Act and by Government wide systems of records published by the Office of Personnel Management (OPM). A variety of people seek personnel information regarding NOAA Corps officers. Responses, the amount and type of information that can be provided, depend on the nature of the request and the person making the request.
2. This section does not cover requests for information developed from other records systems like payroll records. For pay related questions, please contact NOAA Corps Payroll, [noaacorps.payrollunit@noaa.gov](mailto:noaacorps.payrollunit@noaa.gov).

**B. Request from NOAA Corps Officer**

1. An officer's physical, hard copy Official Personnel Folders must be made available to the officer for review upon request. Officers are required to present proper identification before personnel folders are provided to them.
2. Officers reviewing their own folders must be accompanied by CPC personnel at all times.
3. Officers may bring a personal representative with them when they review their folders.
4. Officers may obtain digital copies of their personnel folders. A digital copy is presented to NOAA Corps officers upon their separation from the Corps.

**C. Request from Former NOAA Corps Officer**

1. Former officers may receive copies of their own personnel and medical folders. Requests for copies must be made in writing and should include: the full name (or names) used while employed; social security number; date of birth and year of separation.
2. Requests for individual documents, or for complete copies of personnel and/or medical folder(s), must be sent to CPC. CPC will then request the records from NARA's National Records Center on behalf of the former officer. This request can take up to four weeks for CPC to obtain the officers' records.

**D. Request from Government Officials**

1. Officers and Employees of the Agency
  - a. Personnel and medical folders are available to officials within the agency who need access to the records to perform their assigned official functions. This includes access to records in Official Personnel Folders, whether those records were created under OPM's recordkeeping authority or not. Agency officials include human resource specialists, medical officers, managers, and supervisors.
  - b. An officer may authorize another employee to review his or her folders. That authorization must be in writing. An officer's authorized representative should have access to the officer's folders.
2. Officials outside the Agency

- a. Officials outside the agency may be authorized access to an officer's folders if:
  1. the officer has authorized such access in writing; or
  2. the release is specifically authorized by the Privacy Act; or
  3. routine use published in the Government-wide systems of records allows disclosure of the records.
- b. An officer may authorize officials outside his or her employing agency to review or receive copies of his or her records. Such an authorization must be in writing. An officer's records may be provided to officials of another agency with the officer's prior written consent.
- c. Requests from officials outside the employing agency for records in a merged Official Personnel Folder that was not created under OPM's recordkeeping authority should be honored only if the requestor has the officer's written consent to release the information. All other requests should be referred to the agency that created the record.

E. The Privacy Act

1. The Privacy Act authorizes the release of records to officials outside the agency under specific circumstances. Some of these include releases to:
  - a. the National Archives and Records Administration (NARA);
  - b. either House of Congress;
  - c. the Comptroller General or his authorized representatives performing the duties of the General Accountability Office; or
  - d. the order of a court of competent jurisdiction.

F. Request from the Public

1. Requests from the public for information from personnel and medical folders must be handled in compliance with both the Privacy Act of 1974, as amended (5 U.S.C. 552a) and the Freedom of Information Act (FOIA). The Privacy Act restricts access to records in a system of records. The Freedom of Information Act establishes the public's right to information contained in Government records. Agencies are authorized to respond to requests for information from the public on all Official Personnel Folders in their possession.

2. An officer may consent to authorize the release of information to a member of the public, including an organization. That authorization must be in writing.

**G. Routine Use**

1. In limited cases, information may be released to the public under one of the routine uses applicable to the folder and published in the Government-wide systems of records. Routine uses allow agencies to provide information from Official Personnel Folders to:
  - a. Contractors, grantees, or volunteers working for the Government.
  - b. Prospective non-Federal employers who ask for the former officer's tenure, length of service, or date and nature of action on the officer's separation.

**H. Available Information**

1. In most cases, the following information is available to the public without the prior written consent of the officer(s):
  - a. name;
  - b. present and past position titles;
  - c. present and past grades;
  - d. present and past annual salary rates;
  - e. present and past duty stations (does not include room numbers, shop designations, or other identifying information regarding buildings or places of employment); and
  - f. position descriptions, identification of job elements, and those performance standards (but not actual summary ratings) the release of which would not interfere with law enforcement programs or severely inhibit agency effectiveness. Performance elements and standards (or work expectations) may be withheld when they are so intertwined with performance appraisals that their disclosure would reveal an individual's summary rating.
2. The above data may be withheld if the disclosure would reveal more about an individual on whom information is sought than the listed items, creating a clearly

unwarranted invasion of personal privacy or if the data is otherwise protected from mandatory disclosure under an exception of FOIA.

**I. OPM Recordkeeping**

1. OPM has published notices for Government-wide systems of records that cover the Officer Personnel Folder (OPM/GOVT-1) and the Officer Medical Folder (OPM/GOVT-10) records. These notices include descriptions of routine uses that allow release of records to specific officials outside the employing agency for specific purposes without the officer's prior written consent. Some of the routine uses that apply to Official Personnel Folders allow records to be provided to:
  - a. The Merit Systems Protection Board, Office of Special Counsel or Equal Employment Opportunity Commission in relation to appeals, investigations, and special studies.
  - b. Any Federal agency involved in a legal or administrative proceeding in which the Government is a party; any Federal agency in relation to hiring an officer, issuing a security clearance, conducting a security or suitability investigation; Federal, state, or local agencies to adjudicate a claim under any retirement, insurance, unemployment, or health benefits program.
2. Check with the agency Privacy Act or FOIA Officer when unsure whether records may be disclosed.
3. Do not provide an officer's social security number or date of birth in response to a request for information from the public.

**J. Accounting of Disclosure from Personnel Records**

1. The Privacy Act requires that agencies keep a record of any information they have provided from systems of records covered by the Act. These records of what information was provided to whom and when are called accountings of disclosures.
  - a. content of accounting of disclosure. An accounting of disclosure must include the following information: the date, nature, and purpose of each disclosure of a record to any person or to another agency, and the name and address of the person or agency to whom the disclosure is made.
  - b. filing an accounting of disclosure. An accounting of disclosure from the Official Personnel Folders must be retained for the life of the record. Any accounting of disclosure of information must be filed as a long-term record in the personnel folder.

**01608 AMENDMENT REQUESTS**

- A. The amendment of Official Personnel Folders is defined as:
1. changing any incorrect data.
  2. removing records inappropriately filed in a folder.
  3. adding missing records that should be in a folder.
- B. Officers are not required to use the formal Privacy Act amendment process to have their records corrected. CPC is responsible for ensuring that the records are accurate and for making any necessary corrections as soon as possible.
- C. Privacy Act amendment procedures are designed to ensure the records reflect what occurred accurately, not as a method to challenge the NOAA Corps' application of its personnel procedures.
- D. CPC prescribes procedures for submitting and processing amendment requests to Official Personnel Folders. Responses to amendment requests should be in writing.
- E. Active Duty and former officers may also submit requests to amend records to the Director, Commissioned Personnel Center.
1. Requests to amend records must be in writing and should:
    - a. include the information needed to identify the officer's records (full name, and date of birth);
    - b. identify the records and data believed to be incorrect;
    - c. identify any records believed missing from a folder;
    - d. identify any documents believed inappropriately filed in a folder;
    - e. explain why the identified items are not correct or complete; and
    - f. explain what the correct content of the documents should be.
- F. In processing amendment requests, the agency should ensure that any amendments comply with the Office of Personnel Management's recordkeeping procedures and regulations in Title 5, Subpart C, Section 297, Code of Federal Regulations.



**THE SECRETARY OF COMMERCE**  
Washington, D.C. 20230

NOV 25 2003

Pursuant to the authority vested in me by 33 USCA 3028(c), I hereby designate the position of Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps (NOAA Corps) and Director of the Office of Marine and Aviation Operations as a position of importance and responsibility. The designated grade for this position is rear admiral (O-8). The incumbent of this position, upon appointment by the President, by and with the advice and consent of the Senate, to the grade of rear admiral, shall hold that grade while serving in this position.

Pursuant to the authority vested in me by 33 USCA 3028(a), I hereby designate the position of Deputy Director, NOAA Corps, and Deputy Director, Marine and Aviation Operations, as a position of importance and responsibility. The designated grade for this position is rear admiral (lower half) (O-7). The incumbent of this position, upon appointment by the President, by and with the advice and consent of the Senate, to the grade of rear admiral (lower half), shall hold that grade while serving in this position.

Pursuant to the authority vested in me by 33 USCA 3028(a), I hereby designate the position of Director, Marine and Aviation Operations Centers in the NOAA Corps as a position of importance and responsibility. The designated grade for this position is rear admiral (lower half) (O-7). The incumbent of this position, upon appointment by the President, by and with the advice and consent of the Senate, to the grade of rear admiral (lower half), shall hold that grade while serving in this position.

All previous designations of positions of importance in the NOAA Corps, pursuant to 33 USCA 3028 or its predecessor, 33 USC 853u, are hereby rescinded.

A handwritten signature in black ink, appearing to read "Donald L. Evans".

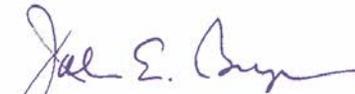
Donald L. Evans



UNITED STATES DEPARTMENT OF COMMERCE  
The Secretary of Commerce  
Washington, D.C. 20230

DEC 01 2011

Pursuant to the authority vested in me by 33 U.S.C. 3028(a), I hereby designate the position of Director, Office of Coast Survey, as a position of importance and responsibility. The designated grade for this position is Rear Admiral (lower half) (O-7). The incumbent of this position, upon appointment by the President, by and with the advice and consent of the Senate, to the grade of rear admiral (lower half), shall hold that grade while serving in this position. All previous designations of positions of importance and responsibility in the Administration, pursuant to 33 U.S.C. 3028(a), remain in full force and effect.

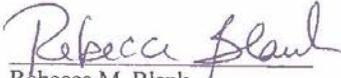


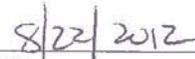
John E. Bryson



**UNITED STATES DEPARTMENT OF COMMERCE**  
**The Secretary of Commerce**  
Washington, D.C. 20230

Pursuant to the authority vested in me by 33 U.S.C. 3028, I hereby change the title of the position of Director, Marine and Aviation Operations Centers to Deputy Director for Operations, Office of Marine and Aviation Operations and Deputy Director, NOAA Corps. This position of importance and responsibility shall hold the grade of rear admiral (lower half). All previous designations of positions of importance in the NOAA Corps, pursuant to 33 U.S.C. 3028, remain in full force and effect.

  
Rebecca M. Blank  
Acting Secretary of Commerce

  
Date

Pursuant to the authority vested in me by 33 U.S.C. 3028, effective January 1, 2014, I hereby designate the position of Deputy Under Secretary for Operations, National Oceanic and Atmospheric Administration, as a position of importance and responsibility. The designated grade for this position is vice admiral (O-9). The incumbent of this position, upon appointment by the President, shall hold that grade while serving in this position. All previous designations of positions of importance and responsibility in the National Oceanic and Atmospheric Administration, pursuant to 33 U.S.C. 3028, remain in full force and effect.

  
\_\_\_\_\_  
Penny Pritzker  
Secretary of Commerce

Date: 9/19/13 \_\_\_\_\_