

Guard, shall be a temporary appointment until the appointee has satisfactorily completed a probationary term of four years of service; thereafter he may be regularly appointed and his rank shall date from the date of his temporary appointment in the grade in which permanently appointed.

(Aug. 4, 1949, ch. 393, 63 Stat. 509; Pub. L. 86-474, §1(11), May 14, 1960, 74 Stat. 145; Pub. L. 94-546, §1(15), Oct. 18, 1976, 90 Stat. 2520.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §15b (Apr. 16, 1937, ch. 107, §1, 50 Stat. 66; May 2, 1942, ch. 273, 56 Stat. 265).

Said section has been divided. That part of the first sentence which provides for the composition of the teaching staff is incorporated in section 187 of this title. The other provisions are incorporated in this section, except for the proviso which has been omitted as no longer needed.

This section incorporates the following changes because of the new plan for the permanent teaching staff: the President is authorized to appoint a candidate to any of the grades prescribed; and the probationary term, applicable unless the candidate has served in the Coast Guard as prescribed in this section, is increased from two to four years. Authorization for appointment in any grade is deemed desirable in order to permit the acquisition of outstanding instructors for the staff. It is believed that the former two-year period was too short to fully evaluate the capabilities of a temporary appointee. 81st Congress, House Report No. 557.

AMENDMENTS

1976—Pub. L. 94-546 substituted “grade in which permanently appointed” for “rank in which permanently appointed”.

1960—Pub. L. 86-474 substituted “and instructors who are to serve” for “and commissioned instructors who are to serve”, and “civilian member of the teaching staff” for “civilian instructor”.

§ 189. Grade of permanent commissioned teaching staff

Professors shall be commissioned officers with grade not above captain, associate and assistant professors with grade not above commander, and instructors with grade not above lieutenant commander. All officers of the permanent commissioned teaching staff shall receive the pay and allowances of other commissioned officers of the same grade and length of service. When any such professor, associate professor, assistant professor, or instructor is appointed or commissioned with grade less than the highest grade permitted, he shall be promoted under regulations prescribed by the Secretary.

(Aug. 4, 1949, ch. 393, 63 Stat. 509; Pub. L. 86-474, §1(12), May 14, 1960, 74 Stat. 145.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §15c (Apr. 16, 1937, ch. 107, §2, 50 Stat. 66).

Said section has been divided. The last sentence is incorporated in section 187 of this title. The other provisions are incorporated in this section.

The limitation on grade of professors is raised from Commander to Captain, and other limitations as to grades within the new permanent commissioned teaching staff are established.

This section prescribes the relative ranks for the various grades in the permanent commissioned teaching staff, establishes the pay as heretofore, and provides for promotion as the Secretary shall prescribe. 81st Congress, House Report No. 557.

AMENDMENTS

1960—Pub. L. 86-474 substituted “and instructors with grade not above” for “and commissioned instructors with grade not above”, and “assistant professor, or instructor” for “or assistant professor”.

§ 190. Retirement of permanent commissioned teaching staff

Professors, associate professors, assistant professors, and instructors in the Coast Guard shall be subject to retirement or discharge from active service for any cause on the same basis as other commissioned officers of the Coast Guard, except that they shall not be required to retire from active service under the provisions of section 288 of this title, nor shall they be subject to the provisions of section 289 of this title, nor shall they be required to retire at age sixty-two but may be permitted to serve until age sixty-four at which time unless earlier retired or separated they shall be retired. The Secretary may retire any member of the permanent commissioned teaching staff who has completed thirty years' active service. Service as a civilian member of the teaching staff at the Academy in addition to creditable service authorized by any other law in any of the military services rendered prior to an appointment as a professor, associate professor, assistant professor, or instructor shall be credited in computing length of service for retirement purposes. The provisions of law relating to retirement for disability in line of duty shall not apply in the case of a professor, associate professor, assistant professor, or instructor serving under a temporary appointment.

(Aug. 4, 1949, ch. 393, 63 Stat. 509; Pub. L. 86-474, §1(13), May 14, 1960, 74 Stat. 145; Pub. L. 88-130, §1(8), Sept. 24, 1963, 77 Stat. 175; Pub. L. 89-444, §1(10), June 9, 1966, 80 Stat. 196; Pub. L. 91-278, §1(5), June 12, 1970, 84 Stat. 304.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §15f (Apr. 16, 1937, ch. 107, §5, 50 Stat. 67).

The provision prohibiting the retirement of a professor because of physical disability with less than 15 years' service is changed to have application only during the temporary appointment of a professor.

This section provides for the retirement of associate professors, assistant professors, and commissioned instructors in addition to professors. It is believed that the provision of existing law requiring 15 years' service before becoming eligible for retirement, discriminated against this group of officers as no other group was discriminated against, and should be eliminated. It was changed so that these officers would be ineligible for retirement during their probationary term only.

Changes were made in phraseology. 81st Congress, House Report No. 557.

AMENDMENTS

1970—Pub. L. 91-278 permitted permanent teachers to retire at sixty-four rather than at sixty-two unless earlier retired or separated.

1966—Pub. L. 89-444 authorized the Secretary to retire any member of the permanent commissioned teaching staff who has completed thirty years' active service.

1963—Pub. L. 88-130 inserted “or discharge”, excepted staff members from retirement from active service under section 288 of this title, and from the provisions of section 289 of this title, and struck out “permanent” before “commissioned officers”.