

DEPARTMENT OF THE NAVY
CIVILIAN HUMAN RESOURCES MANUAL

SUBCHAPTER 1231

EMPLOYMENT OF FOREIGN NATIONALS

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
1. Purpose	1
2. Scope	1
3. Policy	1
4. Responsibilities	3
5. Action	3

SUBCHAPTER 1231

EMPLOYMENT OF FOREIGN NATIONALS

- References:** (a) Subchapter 1231, Department of Defense Civilian Personnel Manual 1400.25-M of Jan 98
- (b) Subchapter 1251, Department of Defense Civilian Personnel Manual 1400.25-M of Dec 96
- (c) Department of Defense Manual for Foreign National Compensation, DoD 1416.8-M of Jan 90

Cancelled: SECNAV Instruction 5402.28A

1. Purpose. This subchapter establishes policy, assigns responsibility, and delegates authority to the Department of the Navy (DON) theater Component Commanders as necessary to establish compensation benefits and terms and conditions of employment for foreign national employees; enables effective participation in joint committees for coordination of personnel administration; and provides general guidance for administration of the delegated authorities.

2. Scope

This instruction applies to foreign national appropriated and nonappropriated fund employees of DON in the U.S. European Command (USEUCOM), U.S. Pacific Command (USPACOM), U.S. Joint Forces Command (USJFCOM, formerly U.S. Atlantic Command), and U.S. Central Command (USCENTCOM). It does not apply to employees of the Civilian Marine Service of the Military Sealift Command and employees of activities in foreign areas administered under Local National compensation plans and employment regulations of the U.S. State Department foreign service posts as agreed between the Department of State and the Department of Defense (DoD).

3. Policy

a. Officials of DON having responsibilities under the delegations of authority in paragraph 4 shall apply the provisions of references (a) through (c) and any controlling international treaties and agreements, and pertinent U.S. legislation.

b. Reference (a) specifies that the Commanders, Unified Combatant Commands, or equivalent for the area, shall establish joint personnel committees with DoD Component representation as applicable to the situation. Unless otherwise appointed by the cognizant DON Component Commander, the representative to each joint committee for Commander, U.S. Naval Forces Europe (COMNAVEUR), Commander, U.S. Pacific Fleet (COMPACFLT), Commander, U.S. Atlantic Fleet (COMLANTFLT) and Commander, U.S. Naval Forces Central Command (COMNAVCENT) will normally be the Command Director of Civilian Personnel Programs. When so designated by the respective Unified Combatant Commander, the DON Component representative will chair the joint committee. As a member of the joint committee, the DON representative will act as an agent of the Secretary of the Navy and is empowered to act for the Department on matters within the jurisdiction of the joint committee. If there is uncertainty as to conformance with applicable DON policy on a matter before the joint committee, guidance should be requested from the Deputy Assistant Secretary of the Navy (Civilian Human Resources) (DASN(CHR)) via the Office of Civilian Human Resources (OCHR). DON Component Commanders will ensure representation of the interest of both appropriated and nonappropriated fund activities.

c. In accordance with reference (a), joint committees will seek to establish a uniform position with respect to salaries, wages, fringe benefits, and other terms and conditions of employment for direct hire foreign national employees. For indirect hire foreign national employees, the joint committees are responsible for coordinating negotiations with host government officials and for ensuring uniform application of agreed Service positions. In any area where a joint committee may not have been established, and in which a DON command is the predominant employer of foreign national employees, the DON Component Commander, or his/her designee, shall seek to attain a coordinated position on compensation matters with other Allied Forces or other U.S. Government departments or agencies.

d. By reference (a), when a coordinated position cannot be achieved on matters before a joint committee, the Combatant Unified Commander or subordinate unified commander shall seek to resolve component differences to achieve a unified U.S. Forces position. DON representatives will notify the DASN (CHR), via their chain of command and OCHR, when issues are referred to the Combatant Unified Commander for resolution. Unresolved differences in compensation and other terms and conditions of employment will be referred by the cognizant Combatant Unified

Commander to the Office of the Secretary of Defense (OSD), Under Secretary of Defense (Personnel and Readiness) (USD(P&R)) for resolution.

e. The OCHR will provide DON representation on issues referred to USD(P&R) for advice, confirmation, or resolution.

4. Responsibilities

By reference (a), authority to jointly establish salaries, wages, fringe benefits, related compensation items, and other conditions of employment for foreign nationals was delegated to each Military Department for redelegation to its Service Component Commanders in USEUCOM, USPACOM, USJFCOM, and USCENTCOM. This authority is redelegated as follows:

a. USEUCOM, USPACOM, USJFCOM, and USCENTCOM. All authority vested in the Secretary of the Navy is redelegated through the Chief of Naval Operations to COMNAVEUR, COMPACFLT, COMLANTFLT, and COMNAVCENT with respect to compensation and other terms and conditions of employment of foreign national appropriated and nonappropriated fund employees administered by DON commands in their respective areas of responsibility.

b. Foreign national employees of the DON not covered by the above delegations may be covered by a local U.S. Embassy employment and compensation plan as agreed between DoD and the Department of State.

c. Compensation in all other areas is fixed and adjusted by the DoD, Civilian Personnel Management Service (CPMS).

5. Action. COMPACFLT, COMNAVEUR, COMLANTFLT, and COMNAVCENT shall assure submission of the reports documenting the wage setting process and results as required by references (b) and (c) to USD(P&R) with information copy to CPMS and OCHR. Report Control Symbol is: DD-FM&P(A)1571.