

Introduction

As we have seen throughout our history, and have been dramatically underscored by Operation Iraqi Freedom, our civilians fulfill a vital role in deploying to support contingency operations and the ongoing Global War on Terrorism.

Civilian employees have deployed in support of military operations on many occasions throughout history, but never to the degree that is occurring today. AMC relies heavily on the expertise of our deployed civilian workforce to execute these missions. Only with great sacrifice has the AMC staff (MSCs and Separate Reporting Activities, SRAs) supported deployed operations around the world for an extended period of time. The need to establish an umbrella organization to support military operations was recognized during Desert Shield/Desert Storm. Presently known as the Logistics Support Element (LSE), this operational concept has been utilized in the past to support military operations in support of humanitarian relief, conflicts, and war. The LSE has been deployed in support of Desert Shield/Desert Storm in Southwest Asia, Hurricane Andrew in Florida, Restore Hope in Somalia, Vigilant Warrior in Kuwait, Uphold Democracy in Haiti, Joint Endeavor in Bosnia, Operation Iraqi Freedom, Operation Enduring Freedom and other recent and ongoing contingencies.

This AMC Civilian Deployment Guide has been prepared to inform AMC civilian employees, management officials, and the field commanders of policies and procedures that affect civilian deployment issues. information in this Guide is applicable to deployments in CONUS, OCONUS, and operations in support of military exercises. The basis of this Guide is DoD Directive 1404.10, Emergency Essential (EE) DOD U.S. Civilian

Employees, DoD Instruction 1400.32, “DoD Civilian Workforce Contingency and Emergency Planning Guidelines and Procedures,” AR 69011, Planning for Use and Management of Civilian Personnel in Support of Military Contingency Operations, AMC-R 690-11, Civilian Personnel Mobilization Planning and Management and DA Pam 690-47, DA Civilian Employee Deployment Guide.

The information in this Guide is accurate as of the date of publication, but is subject to change based on evolving Department of Defense and Department of State directives, policies, and procedures. This publication will be updated on a periodic basis as required.

Authority to Deploy

The AMC Commander's vision is to execute the mission. When the need for a particular skill arises, and before a civilian employee is sent involuntarily, a search will be conducted first to determine if military personnel are available to satisfy the requirement, and then for civilian volunteers.

Under existing DOD policies and procedures, management has the authority to direct and assign civilian employees, voluntarily, involuntarily, or on an unexpected basis to accomplish the DOD mission. This may require civilian employees to perform combat support or other crisis essential functions. Management may take appropriate administrative action, including separation from the federal service if civilian employees refuse to perform such functions until relieved by appropriate authority. Management may direct an employee to perform these functions regardless if they have refused to sign the emergency essential agreement or had previously agreed to perform such functions. Management has this authority whether or not the position held by the employee has been pre-identified by management as an emergency essential position or the designation of this position as an emergency essential position has been necessitated due to a crisis situation.

AMC is committed to providing all personnel who are sent to perform combat support or other crisis essential functions with proper training, equipment, and protection.

Emergency-Essential Designation

An Emergency-Essential (EE) employee is a civilian employee who occupies an EE position and has signed a “DOD Civilian Employee Overseas Emergency-Essential Position Agreement” (DD Form 2365). An EE position is a civilian position located overseas or that would be transferred overseas during a crisis situation. The position is required to ensure the success of combat operations or to support combat essential systems subsequent to mobilization or an evacuation order. The position cannot be converted to a military position because it requires uninterrupted performance to provide immediate and continuing support for combat operations or support maintenance and repair of combat essential systems.

Due to unforeseen circumstances or the exigencies of a particular crisis, it may become necessary to identify positions as EE that have not been previously identified as such. These positions may be located in the overseas area or they may be positions to which an employee in the United States would be sent on temporary duty to the location of the crisis or other such emergency.

The deploying civilian will be requested to execute an EE agreement. If the employee declines to sign the agreement, and possesses special skills and expertise, which renders it necessary to send that employee on the assignment without their having signed the agreement, the employee may be directed on involuntary temporary duty to the location where the employee’s skills are required.

All civilian employees deploying to combat operations/crisis situations are considered EE regardless of volunteer status or the signing of the EE position agreement. The employee will be in an EE status for the duration of the assignment.

REFERENCES:

AMC-R 690-11

DoDD 1404.10

Logistics Support Element

Civilian employees deploying on support operations will normally be temporarily assigned to the Logistics Support Element (LSE). The LSE is an AMC umbrella organization established to support military operations. The organization has a flexible Table of Distribution and Allowances (TDA) that can support both humanitarian relief, and war operations. It has deployed in support of Desert Shield/Desert Storm in Southwest Asia, Hurricane Andrew in Florida, Restore Hope in Somalia, Vigilant Warrior in Kuwait, Uphold Democracy in Haiti, and Joint Endeavor in Bosnia and Operation Enduring Freedom in Iraq and Kuwait.

The TDA is modular so it can be tailored for a particular contingency. The LSE is stratified into the Jump Tactical Operations Cell (JTOC), Core and Main. The JTOC personnel are required to be ready to deploy to a CONUS Replacement Center (CRC) within 24 hours of notice. The Core consists of deployers such as the Logistics Civil Augmentation Program and Army Pre-positioned Stock teams. The Core is required to be ready to deploy to a CRC within 72 hours of call forward. The Main consists of quick fix teams and expanded support. The Main should be ready to deploy to a CRC within 14 days of call forward.

The organization consists of traditional depot divisions of supply, maintenance, ammunition, and supporting offices along with sections to support field requirements for oil analysis, Test, Measurement and Diagnostic Equipment, and Field Science and Technology.

A rear detachment has a permanent cadre to perform those tasks necessary to maintain the LSE in a deployable status. The remainder of the organization does not have permanent staffing, but

will be filled by equivalent AMC personnel for deployment. TDA spaces are designated as EE and personnel are assigned to those critical LSE positions. The equipment to support the LSE is handled in the same manner as the personnel.

REFERENCES:

a.Basic

b.FM 63-11, Logistics Support Element Tactics, Techniques, and Procedures, Oct 96

Command and Control

Command and control relationships often change to meet the needs of particular deployments. Therefore, what may be the appropriate command and control structure during peacetime or at the employee's normal place of work may need to be changed during a crisis situation or a temporary duty assignment.

The on-site chain of command has the authority and the discretion to decide whether it will propose appropriate administrative action against a deployed civilian employee or if the proposal should be deferred to the civilian employee's home station supervisory chain with written letter input to those officials detailing the offenses allegedly committed. Therefore, the on-site supervisory chain has the authority to perform the normal supervisory functions, for example, those related to task assignments and instructions, and initiating and effecting minor disciplinary actions. Performance evaluations will normally be done by the home station supervisor. If the TDY assignment exceeds 120 days, the on-site supervisory chain should prepare a Special appraisal and forward it to the home station supervisor for use in preparing the deployed employee's Annual Rating.

REFERENCES:

- a.AMC-R 690-11
- b.AR 690-700, Chapter 751

Legal Assistance

AR 27-3, The Army Legal Assistance Program, covers eligibility for legal assistance.

Deploying civilian employees and their family members are entitled to legal assistance limited to matters (as determined by the supervising attorney) that relate to their participation in deployments such as contingencies, operations, and exercises. Though all deployed civilian employees and their families are entitled to such assistance, the period of time during which they are eligible for legal assistance is dependent upon whether they encumber positions designated as EE or are volunteers who are encumbering non-emergency essential positions prior to their deployment. Emergency essential employees will be eligible as soon as they encumber such positions. Non-emergency essential civilian employees who volunteer for deployment will be eligible upon notification of their deployment.

Legal assistance will be provided to eligible civilian employees and their family members at home station, or at any other military facility convenient to the deploying civilian employee or family member. The preference is for the legal assistance to be provided at home station, whenever possible.

Legal assistance services will be provided for matters related to situations that arise before or during deployment. These services include will preparation, powers of attorney, and basic tax assistance.

REFERENCES:

a.AR 690-11

b.AMC-R 690-11

c.AR 27-3, Legal Assistance Program

Family Assistance

The goal of family assistance is to provide support services to eligible family members at, or near their hometown or home installation. Families should contact the installation Army Community Services Office for assistance. These services will normally include:

Pre-Deployment

Assist in establishing support groups.
Orientations outlining available assistance.
Assist single parent and dual deploying families in preparing family care plans.
Coordinate with local and state, human service assistance agencies.
Identify families with major problems that require special assistance.

Deployment

Provide family assistance.
Assist casualty assistance officers in providing support to survivors.
Assist families in relocating. Provide support to waiting families.
Serve as sponsor for families with special needs.
Keep commanders abreast of major problems.

Post-Deployment

Establish groups to deal with reunification problems.

REFERENCES:

- a. Basic
- b. AR 608-1, Army Community Service Program

Religious Support

Deployed AMC civilians are entitled to Religious support. The First Amendment of the United States Constitution guarantees every American the right to the free exercise of religion. Title 10 U.S. Code (USC) and Army Regulation (AR) 165-1 extends the protection of this right to all authorized personnel performing and supporting the Army mission. Commanders are responsible for those religious freedoms within their command. On behalf of the commander chaplains coordinate a comprehensive religious ministry support plan that makes worship opportunities and pastoral care available to all members of the command to include department of the Army Civilians and deployed civilian contractors.

Chaplains provide or perform Religious Support (RS). Chaplains provide for those religious services or practices that they cannot personally perform. Chaplains perform religious support when their actions are in accordance with the tenants or beliefs of their faith group.

Chaplain support may include the following:

- Provide and/or perform worship services, rites, sacraments, ordinances, pastoral care, pastoral counseling and religious education to nurture the living, care for the dying and honor the dead.
- Advise the command on morals and morale as affected by religion, the impact of local religions on the military mission, and the ethical impact of command decisions.

Examples of religious support may include:

- Worship, in accordance with one's faith when possible.

- Religious guidance, pastoral care and counsel.
- Observation of Holy Days and seasonal religious observances.
- Participation in rites, sacraments, and/or ordinances of one's faith.
- Practice of dietary laws.
- Medical treatment according to one's religious belief.
- Resolution of medical treatment challenges, religious apparel issues and dietary restrictions arising from one's religious belief.

Each LSE is included in the comprehensive religious support plan of the Combatant Command that it supports. As such, a specific chaplain is assigned to provide religious coverage to each LSE. Usually there is an area designated within the LSE for religious support (ie worship services, pastoral care, etc.) Look for the chaplain in the designated area. Otherwise, requests for religious support can go through the LSE commander.

REFERENCES:

- a. Title 10, USC
- b. AR 165-1, Chaplain Activities in the US Army
- c. FM 1-05 Religious Support
- d. JP 1-05, Religious Ministry Support in the Joint Environment

AWARDS AND MEDALS

Department of the Army (DA) civilians supporting theater operations may be eligible to receive monetary and honorary civilian award recognition as follows:

- Secretary of the Army Award for Valor
- The Armed Forces Civilian Service Medal
- The Civilian Award for Humanitarian Service
- The Achievement Medal for Civilian Service
- The Commander's Award for Civilian Service
- The Superior Civilian Service Award
- The Meritorious Civilian Service Award
- Secretary of Defense Medal for Defense of Freedom i.e. (Purple Heart for Civilians)
- AMC Recognition Certificates for SWA

REFERENCES:

a.AR 672-20

Temporary Duty (TDY) Orders

In an effort to reduce family separation AMC has changed its policy to reflect a 120 day tour of duty. However, those employees electing an 179 day tour of duty or longer must notify their chain of command prior to departure. The in-theater commander has authority to extend or reduce the tour length.

TDY performed in excess of 180 days in one duty location by civilians is authorized by the Joint Travel Regulations (JTR) Volume 11. section C4430. Travel orders, DD Form 1610, will be prepared in accordance with Chapter 3, Part D, of the JTR and the Personnel Policy Guidance (PPG) for Operation Noble Eagle/Enduring Freedom and Iraqi Freedom. The home station will prepare travel orders as follows:

(a.) The assigned unit's name and UIC in block #5 (Organizational Element to which they are assigned).

(b.) Duty location/Country OF TDY Assignment, paragraph and line number of gaining unit should be indicated in block #11 (ITINERARY). This is to ensure personnel who are deploying OCONUS are provided the appropriate personnel deployment processing, clothing, equipment, and medical processing for the specific location they are deploying to support. Mark an "X" in the block labeled "Variation Authorized" in case conditions warrant deviation en route to and from the TDY location.

(c.) In the remarks section of the 1610, item 16, the following statements must be included for all employees "Actual expense allowance authorized

while at TDY site.” No per diem is authorized for civilians when living under field conditions while in support of military operations; however, they will be reimbursed for actual subsistence, if any, while under field conditions. “Overtime and Compensatory time as authorized at TDY site as required by the Field Commander.” Certification of Force Protection Awareness Training as required.”

(d.) Additional instructions for Centcom AO: Unless an individual deploys with a unit, orders will reflect direct deployment through the designated CRC to expedite processing and ensure accountability of deploying civilians. “AAFES Snack bar and restaurant access is available in Conus. Authorized to carry government issued weapons when so designated and required familiarization training has been completed.

(e.) Medical care and dental care is authorized IAW service regulations;

(f.) Cost of an official passport and/or visa is reimbursable, POV and rental car not authorized at the CRC site.

(g.) “The on-site chain of command has the authority and the discretion to decide whether it will propose and decide appropriate administrative action against a civilian employee or if it should defer the proposal and/or decision stage to the civilian employee’s home station supervisory chain with written letter input to those officials detailing the offenses allegedly committed.”

(h.) Civilian employees are expected to use the Government contractor issued charge card to cover travel expenses. If conditions preclude the use of

the charge card or a Government contractor-issued charge card was not offered the employee, an additional advance not to exceed 80 percent of the additional estimated cash expenses is authorized. This exception to the advance limitation is not available to employees who elected not to receive the Government contractor-issued charge card when offered by their command or whose Government contractor-issued charge card has been suspended or revoked because of delinquent payments.

(i) Per diem is authorized while en route to and from the TDY site, however, if both lodging and meals are provided by the Government without fee, the per diem is limited to \$2.00 per day in the Continental United States (CONUS) and \$3.50 per day in OCONUS. If there is a charge for the use of Government quarters or Government provided meals, the limited per diem rates will be increased by the actual fees incurred.

(j.) Further guidance for content of Army Civilian orders is posted via the Civilian Personnel On Line website (www.cpol.army.mil)

REFERENCES:

a.AMC-R 690-11

b.Department of Defense Civilian Personnel Joint Travel Regulation (JTR),
Volume II, 1 September 1976, As Amended

c.Department of Defense Financial Management Regulation, Chapter 8, Civilian Pay Policy and Procedures, January 1995

d.Personnel Policy Guidance for Operation Noble Eagle/Enduring Freedom and Iraqi Freedom

Central Processing and Departure Point

The Primary CONUS Replacement Center (CRC) supporting the CENTCOM AOR for current operations will be Fort Bliss, Texas. Fort Benning, Georgia CRC will only process individuals supporting Combined Joint Task Force-180 (Afghanistan) within the CENTCOM AOR as well as individuals deploying in support of all other worldwide deployments. The call forward request, for the processing and deployment of AMC personnel (civilian, military and contractor) deploying from Conus in support of military operations must be made through the AMC Operations Center, G-1 desk.

Employees deploying to SWA on temporary duty (TDY) for more than ten days and employees deploying to SWA who may potentially go to Iraq, Afghanistan, or Uzbekistan, must process through the CRC regardless of the length of deployment.

The CRC is designed to receive and certify individuals from installations for deployment. Deploying personnel will spend a week at the CRC and should take some cash for your meals. You will also need about 12 copies of your orders. Your first day at the CRC is long because this is the day most of the processing will be done. There is a mandatory welcome briefing on the first day. It is the CRC's responsibility to:

- Prescreen soldier and civilian personnel records.
- Conduct theater specific briefings and training.
- Coordinate transportation and the issue of theater clothing and equipment.
- Coordinate medical requirements such as immunizations, DNA screening, HIV testing, pregnancy test and dental examinations for deployment.

- The CRC will also issue personal identification tags (i.e., “dog tags”). The tags will include the following information: full name, social security number, blood type, and religious preference. These tags should be worn at all times when in the theater of operations.

The home station or sponsoring activity is responsible for the readiness movement of its personnel; however, the home station may not be able to accomplish all the actions required by the deploying individuals and in-theater commander. The CRC will accomplish all processing not completed by the home station with the exception of applying for passports, and deployment orders. All civilians must have a passport and orders when they arrive. The CRC does not give complete physicals only health assessments.

AR 600-8-101 specifies that the CRC will be the final authority for declaring an individual deployable. For additional information on the CRC go to <http://www.bliss.army.mil/LocalUnitLinks/crc/default.htm>

REFERENCES:

- a. Basic
- b. AR 600-8-101, In- and Out- and Mobilization Processing
- c. HQDA Message,

Civilian Identification Card

All civilian personnel will deploy with the Department of the Army Common Access Card (CAC) with proper Geneva Convention Category in their possession. The employee's home station will issue this card.

The CRC will issue DD Form 2765, DOD and Uniformed Services Identification and Privileges Card. This card is required for access to government facilities and use of privileges afforded to military, government civilians and/or military dependents. Use of this card is valid only while serving in the theater of operations.

REFERENCES:

- a. Basic
- b. AR 600-8-14, Identification Cards, Tags and Badges.

Civilian Tracking System

CIVTRACKS has been developed by the Department of the Army as a means to meet the requirements of DoD Instruction 1400.32 to establish accountability procedures for civilians in theaters of operations. CIVTRACKS is an Internet accessible automated civilian tracking system. **The use of CIVTRACKS is Mandatory.** While this system is primarily designed to capture data on Appropriated and Non-Appropriated DA civilian employees and Red Cross personnel, other individuals, i.e., contractors, AAFES and employees in other DoD components may also use CIVTRACKS. It is the responsibility of the employee to input the data in the system and to keep it accurate and up-to-date. Data is input each time there is a change in location while deployed, beginning with the initial relocation from the home station. Logging into the system requires the use of a USERID and password. Wallet-size deployment cards with the USERID, password and other related information is available at Civilian Personnel Advisory Centers (CPACs), and cards are also available at the CONUS Replacement Centers and in theaters of operations for employees already deployed. Instructions for inputting and submitting data into CIVTRACKS are available at the following website: <http://hqda.army.mil/pesw/homepage.htm>.

Medical Screening/Processing

The physical requirements for deploying individuals may be specified by the theater Commander, but at a minimum will be equal to the physical requirements of the AMC Logistics Assistance Program (LAP) as stated below. The required physical standards are those outlined in AR 40-501, Standards of Medical Fitness, Chapter 3, Retention. All deploying individuals must meet these physical standards. The ability to meet the re-quirements will be determined at home station prior to deployment. If lack of facilities or time precludes screening at the home station, a health assessment will be accomplished at the designated CRC.

Additionally, all deploying individuals will be required to take any immunizations or medications that might be required for deployment to the theater of operations. Females will be given a pregnancy test and have negative results before other immunizations are given. Anthrax and smallpox vaccinations may be required depending on the deployment location and duration. All deploying individuals will be administered a dental panagraph and DNA sampling for identification purposes. All deploying individuals must ensure that all immunizations, tests, etc. taken at home station are properly documented and signed by a physician. These documents will be included as part of the deployment packet to be hand carried to the CRC. In accordance with current Army policy, an HIV test will be administered involuntarily only if the country to which the civilian is deploying requires such testing.

Individuals requiring vision corrective lenses (glasses or contact lenses) will be required to have an eye examination and will be issued optical inserts for the protective mask.

Individuals should deploy with a minimum 90-

day supply of any required medications to preclude any adverse impact of pharmaceutical shortages in the theater of operations. Some pharmaceuticals may not be available in theater, so the individual may need to take his own supply. Part of the screening process will ensure both the amounts of medication being taken and its suitability in the theater's environment. Deployed civilian employees are entitled to in-theater medical care, including pharmacy support, equivalent to that given active duty military.

Personnel are required to pass a physical examination based on the functional requirements of the job to determine fitness for duty prior to deploying and to take a redeployment examination upon return. The physical examinations will include completion of Standard Form 93 (or DD Form 2807-1), Report of Medical History, and Standard Form 78, Certificate of Medical Examination or DD Form 2808 (Report of Medical Examination). Emphasis will be placed on diagnosing cardiovascular, pulmonary, orthopedic, neurological, endocrine, dermatological, psychological, visual, and auditory conditions, which may preclude performing the related functional requirements.

Pre-deployment and post-deployment physical examinations are administered for the safety of the deploying individual and to protect them in the event of a deployment related injury or illness.

REFERENCES:

a. Basic

b. AMC Regulation 700-19, Mobility Program for Logistic Assistance Program (LAP) Civilian Personnel, Appendix C - LAR Functional/Physical Requirements.

c. AR 40-501, Standards of Medical Fitness, Chapter 3, Retention Standards.

Mission Oriented Protective Posture Equipment Issue and Training

The theater commander will determine the requirement for equipping and training civilian personnel with Mission Oriented Protective Posture (MOPP) equipment. Training and equipment will be theater specific and dependent upon the threat and the nature of the duties. When practical, the employee's home station will provide familiarization training in the use of the equipment. The CRC will, as part of the individual's processing for deployment, issue equipment and authorized clothing, and provide limited weapons training for some civilians.

REFERENCES:

a. Basic

b. Soldiers Manual Common Tasks, STP 21-1-SMCT, Skill Level 1, Oct 90

Weapons and Training

Since civilians accompanying the armed forces are at risk in an enemy's attack of a military objective, DOD civilians may be issued government owned firearms for their personal protection... Authorization is only applicable for the geographic location specified by the in theater Commander or his designated representative.

Acceptance of such weapons is voluntary for all civilian personnel. Limited weapons training is given at the CRC.

REFERENCES: Basic

Clothing and Equipment Issue

If required, civilian employees will be provided Mission Oriented Protective Posture (MOPP) clothing and equipment. This equipment will be issued only as necessary to perform during hostilities, conditions of war, or other crisis situations.

Items of personal clothing and personal care are the responsibility of the individual and will not be issued at the CRC. Civilian employees should bring work clothing required by their particular job.

The CRC will be prepared to issue Battle Dress Uniforms (BDU's) or Desert Camouflage Uniforms (DCUs) to all personnel when directed to do so by the theater commander.

Appendix A is a list of Organizational Clothing and Individual Equipment (OCIE) that may be available for issue at the CRC. The actual determination of items to be issued and quantities will be based on the specific circumstances of the deployment and will be determined by the theater commander.

REFERENCES:

- a. Basic
- b. AR 670-1, Wear and Appearance of Army Uniforms and Insignia
- c. AR 700-84, Proper Fit of the Desert Camouflage Uniform

Passport/Visa

Employees deployed overseas in support of military operations will be required to carry a passport at all times when traveling. Normally, charges for passports/visas are reimbursed; however, reimbursement of fees or charges for legal services required by local laws is not reimbursable. Reimbursement of authorized costs in obtaining the “Official” passport are made by filing SF 1034, Public Voucher for Purchases and Services Other than Personal. Emergency Essential employees will maintain current “Official” (Red) and “Tourist” (Blue) passports at all times.

Requirements for visas will be determined by the country of deployment/travel and obtained from their embassies prior to deployment. Application for passports/ visas will be submitted at the employee’s home station.

REFERENCES:

- a. Basic
- b. AR 600-290, Passports and Visas
- c. DOD Civilian Personnel Joint Travel Regulations (JTR), Volume 2

Customs Processing Entrance and Exit Procedures

Civilian employees entering and exiting a country will be subject to the customs processing procedures established for that country. The entrance and exit requirements are country specific and will be covered during processing for deployment. Returning civilians are also subject to reentry customs requirements of the United States.

REFERENCES: Basic

Living Under Deployment Conditions

During major deployments, most individuals will be living under field conditions. Living under field conditions is much different from normal civilian life. Field conditions are the same for civilians as the military personnel, commensurate with grade and rank equivalency as identified in the Geneva Conventions.

There will be a general lack of privacy and little opportunity for recreation during non-duty hours. Housing will often consist of tents or hastily constructed buildings. Food will be prepackaged rations or served in a military dining facility, which means that special diets may not be accommodated in some circumstances. Showers, if available, may be communal; otherwise bathing may be from a bucket or helmet.

There will be limited opportunities to phone home and mail deliveries may be delayed. Laundry service may also be severely limited. The organized practice of religion may be restricted to services and assistance provided by the military chaplain. The on-site commander may impose special rules, policies, directives, and orders based on mission necessity, safety, and unit cohesion. Dependent on the theater and the threat or perceived threat, the on-site commander may impose a “lock down” situation. Individuals may be restricted to an area designated by the commander and are expected to adhere to the order as issued.

These restrictions need only be considered reasonable in the circumstances of the deployment to be enforceable. The host nation may also impose special laws and rules. The specific customs, traditions, and restrictions of the host

nation will be addressed in the pre-deployment briefing and compliance is required.

REFERENCES: Basic

Status of Forces Agreements (SOFAs))

SOFAs are negotiated relationships between two countries wherein the host nation accords certain rights and responsibilities to members of the United States forces and accompanying civilians. Many violations of host nation laws are also violations of United States law as well.

However, SOFAs provide that punitive or other actions can be taken under appropriate United States military or civilian law, rule, or regulation rather than the host nation law. A Foreign Criminal Jurisdiction Arrangement (FCJA) will be negotiated if the host nation will not agree to grant United States personnel some form of immunity. A FCJA will provide jurisdictional protections and procedural safeguards for United States personnel.

The host nation may still retain the right to prosecute United States personnel for offenses that are either exclusive violations of host nation law, or those over which the host nation has primary concurrent jurisdiction.

REFERENCES:

a. Basic

b. Department of the Army Operational Law Handbook 1993, The Judge Advocate General's School

Uniform Code of Military Justice

The Uniform Code of Military Justice (UCMJ) defines military criminal law. Military criminal law is similar to civilian criminal law in the United States. For example, most offenses, which are crimes under civilian law, are also crimes under military law; on the other hand, some offenses are peculiar to military law (i.e., absence without leave or violation of a lawful order). There are also some similarities in the procedural rights of the accused under military law and civilian law.

Those individuals who come under the jurisdiction of the UCMJ are limited by the status of the individual at the time the military crime was committed. Therefore, active duty soldiers and retired members of a regular component of the Armed Forces entitled to pay, are subject to the UCMJ at all times. On and off post; reserve component soldiers are subject to military law when in federal service; and civilians may be subject to military law when serving with or accompanying an armed force “in time of war.” The United States Supreme Court has ruled “in time of war” to mean a congressionally declared war, and not contingency operations such as Southwest Asia or Somalia.

Civilian employees are subject to the normal administrative disciplinary procedures. Civilian employees are subject to the “chain of command” and disciplinary procedures are the responsibility of the on site supervisor. In cases requiring suspension or dismissal, the discipline may be administered at the employee’s home station.

REFERENCES:

- a. Basic
- b. Uniform Code of Military Justice

Geneva Convention Prisoner of War Status

The 1907 Hague Convention and the 1949 Geneva Convention are rules that were developed by the international community to govern the law of warfare. These agreements have evolved into principles that are now recognized as part of international law.

Under both, Hague and Geneva Conventions, civilians captured while accompanying military forces in the field, regardless of whether carrying a self-defense weapon or wearing a uniform, are entitled to be protected as Prisoners of War (POW) if captured by hostile forces. These protections are accorded to those persons accompanying the Armed Forces without actually being members thereof provided they have received authorization from the Armed Forces which they accompany, and have been provided with an identity card, most notably the Geneva Convention Card, DD Form 489.

Since the issuance of an identity card is significant, all civilians accompanying the Armed Forces must be issued a Geneva Convention Card. The treatment accorded to POWs depends on each POW's particular status or rank. The higher the status or rank, the greater the benefits afforded to that POW.

It is not a violation of the law of war for an EE employee to wear a uniform or to carry a weapon for personal self defense while accompanying a military force. Capture of an EE employee by an enemy force while wearing a uniform or carrying a weapon does not deprive a civilian employee accompanying a military force Geneva Convention protections.

If issued a personal weapon, that weapon is issued only for the individual civilian's personal protection from attack. It does not constitute authorization for a civilian to be assigned to guard duty, perimeter defense, or engage in offensive combat operations.

NOTE – Under no circumstances may a civilian possess a personal firearm or ammunition.

REFERENCES:

a. Basic

b. Geneva Convention (1949)

c. AR 600-8-14, Identification Cards for Members of the Uniformed Services, their Family Member, and Other Eligible Personnel

Combatant/Noncombatant Status

Over the recent past, the concepts of “combatants” and “noncombatants” have evolved and their application to the realities of today’s contingency and warfare settings have made them somewhat outdated. As the technology of military forces has increased, so has the number of civilian personnel with the force. Their status has been inadequately addressed in the law of warfare process. Their precise status and the actions they are entitled to take remain unsettled.

Recent interpretations of the terms “combatants” and “noncombatants” by the U.S. Army and its counterparts in the United Kingdom, Australia, and Canada has required us to avoid labeling these civilians as “combatants.” Instead, the correct term is “civilians accompanying the Armed Forces in the theater of operations as authorized members of that force.”

Those civilians who accompany military forces into a theater of operations lawfully may do so, but are likely to be regarded by enemy forces as combatants. Depending upon their function or actions, they are subject to attack or capture. They may be issued self-defense weapons subject to the in-theater commander’s discretion and after appropriate familiarization training. Even if they are carrying a self-defense weapon or wearing a uniform, under the Geneva Conventions for Prisoners of War, they are entitled to be protected as Prisoners of War if captured by hostile forces.

REFERENCES:

a. Basic

b. Geneva Convention (1949)

Pay

SURE PAY

In order to ensure continuation of pay while detailed to support military operations in the field, DA policy requires civilian employees to join a Direct Deposit/Electronic Funds Transfer (DD/EFT) program at their home installation before deployment. Once under DD/EFT the employee must remain in the program. All EE employees are required to join a DD/EFT program as a condition of their employment. The employee's servicing Defense Finance and Accounting Service Center will reimburse any errors by the government resulting in charges by a financial institution. Letters of explanation will be sent to the recipients of any dishonored checks explaining that the dishonored check was the result of government error, not an error on the part of the individual.

SALARIES

Salaries are not tax free while on deployment. Likewise, salary deductions do not change while on deployment. If civilian employees are in a "Missing" status, his/her pay and allowances continue. "Missing" status is defined as missing in action; interned in a foreign country; captured; beleaguered; besieged by a hostile force; or detained in a foreign country against his/her will. Civilian employees are entitled to receive the same pay and allowances to which they are entitled at the time they were declared missing, and to which they would become entitled thereafter (i.e., within grade increases).

Maximum Salary Limitations (Pay Cap)

Basic pay plus premium pay is limited to the greater of the maximum payable for GS-15, or level V of the Executive Schedule. The authority to waive the biweekly pay limitation in emergencies is delegated to the installation level. In such emergencies, the employee is then subject to the annual maximum rate of a GS-15, Step 10, or Level V of the Executive Schedule. Heads of Agencies or their designees are delegated the authority to determine the existence of an emergency. It should be taken into account that the pay cap is imposed on annual earnings and not just on income earned during a period of deployment. Danger pay is not subject to the premium pay cap. The pay cap does not apply to wage grade employees, or employees who are covered by the Fair Labor Standards Act.

Aggregate Limitation on Pay

Aggregate pay limits an employee's compensation to the rate payable for level I of the Executive Schedule at the end of the calendar year. Specifically, no executive branch employee may receive any allowance, bonus, differential, award, or other similar payment in combination with their basic pay that would cause the aggregate compensation to exceed the above limit. The following are considered discretionary pay items:

- (1) Incentive and Performance based awards
- (2) Supervisory Differentials
- (3) Recruitment and Relocation bonuses
- (4) Retention Allowance
- (5) Post Differential
- (6) Danger Pay Allowance
- (7) Allowances based on Environmental Conditions

Discretionary payments, (except retention allowances), may be deferred if any portion of such payment would cause the employee during the calendar year to exceed the rate payable for level 1 of the Executive Schedule. These payments shall be paid to the employee in a lump-sum at the beginning of the following calendar year.

REFERENCES:

AMC-R 690-11

Title 5, Code of Federal Regulations, Section 550.106(a)

Section 5547 of title 5, United States code
DOD 7000.14-R, Financial Management

Regulation, Chapter 8, Civilian Pay Policy and
Procedures

5 CFR 530.202/ 203

Hostile Fire Pay

Section 1111 of Public Law 107-107 amends subchapter IV of chapter 59 of title 5, United States Code, by adding a new section 5949 that provides the head of an executive agency with discretionary authority to pay an employee hostile fire pay. The new law provides agencies with the authority to pay hostile fire pay at a rate of \$150 for any month in which the employee is:

(1) Subject to hostile fire or explosion of hostile mines;

(2) On duty in an area in which the employee was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period of duty in that area, other employees were subject to hostile fire or explosion of hostile mines; or

(3) Killed, injured, or wounded by hostile fire, explosion of hostile mine, or any other hostile action.

Agencies may pay hostile fire pay to an employee hospitalized for the treatment of an injury or wound for not more than 3 additional months during which the employee is hospitalized. Section 5949 prohibits the payment of hostile fire pay for periods of time during which an employee receives post differentials under 5 U.S.C. 5925, because of exposure to political violence, or danger pay allowances under 5 U.S.C. 5928.

REFERENCES:

Title 5, United States Code, Section 5949

Premium Pay

(a.) **Overtime:** During a deployment situation, employees may be required to perform work in excess of their normal work schedule (i.e., 8-hour day or 40-hour week). The LSE, Commander will establish the official workweek and determine any overtime requirements.

The hourly overtime pay cap for Federal employees who are exempt from (not covered by) the overtime pay provisions of the Fair Labor Standards Act (FLSA) has been amended. The change effects overtime calculations for GS employees whose rate of pay is more than the rate for GS-10, step 1. The hourly rate of overtime pay is the greater of one and one-half times the minimum hourly rate of basic pay for GS-10 or the employee's own hourly rate of basic pay. GS employees whose basic rate of pay does not exceed that of a GS-10, Step 1 will be paid at a rate of one and one-half times their basic hourly pay rate for each hour of work authorized and approved over the normal 8-hour day or 40-hour week. Since it may not be possible to approve exact overtime hours in advance, the employee's travel orders should have this statement in the remarks column: "Overtime authorized at TDY site as required by the Field Commander." The Field Commander should then submit a DA Form 5172R or local authorization form (with a copy of the travel orders) documenting the actual premium hours worked for each employee and each day of the pay period as soon as possible after the premium hours are worked.

Any GS employees who are exempt from the Fair Labor Standards Act (FLSA) (designated by an "E" in the FLSA code block on their Leave and Earnings Statement) may be granted compensatory time in lieu of overtime. Wage grade

employees can be granted compensatory time or paid overtime at the rate of one and one-half times the employee's basic hourly rate.

REMINDER - Total overtime plus base pay cannot exceed the pay cap discussed separately in the Guide. Employees are not entitled to overtime pay when in a "lock down" situation after duty hours, unless work is actually performed. Also employees on an oncall or standby status do not earn overtime unless actually called to duty.

(b.) **Compensatory Time**: Overtime under field conditions will be considered occasional or irregular for payroll purposes. This allows GS/GM employees who are exempt from the FLSA (designated by an "E" in the FLSA code block of your leave and earnings statement) to be granted compensatory time in lieu of overtime pay. Since pay is a home office responsibility, the employees will have up to 26 pay periods after that in which the compensatory time was earned to take the time off. After that, the compensatory time will be paid at the over-time rate in effect at the time worked. Wage grade employees may request compensatory time in lieu of paid overtime. Compensatory time is subject to the same constraints/limitations of the pay cap.

(c.) **Night differential**: is paid for hours regularly scheduled and worked after 1800 hours until 0600. The amount paid is the hourly base rate, plus 10%.

(d.) **Holiday Pay**: Holiday pay is paid for work performed during a holiday which corresponds to the employee's normal tour of duty.

REFERENCES:

a. Basic

b. Department of Defense Financial Management Regulation (DoDFMR), Chapter 8, Civilian Pay Policy and Procedures, Jan 95.

Restoration of Annual Leave

Section 1103 amends 5 U.S.C. 6304(d) to provide that service by a Department of Defense emergency essential employee in a combat zone is an “exigency of the public business” for the purpose of restoring forfeited annual leave. Annual leave forfeited by an employee because of service in a combat zone will be automatically restored, whether it was scheduled in advance or not. This amendment relieves employees and supervisors from the administrative burden of scheduling, canceling, and restoring excess annual leave in this situation. Restored annual leave must be scheduled and used by the end of the leave year ending two years after the termination of the exigency of the public business. On 14 September 2001, President Bush declared a “National Emergency by Reason of Certain Terrorist Attacks” constitutes an exigency of the public business, which justifies the restoration of any forfeited annual leave in excess of the maximum allowable limits.

REFERENCES:

- a. Title 5, Code of Federal Regulations (CFR) 630.305, 630.306
- b. Title 5, United States Code (USC) 6304 (d)

