

Change 171
Manual of the Medical Department
U.S. Navy
NAVMED P-117
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To: Holders of the Manual of the Medical Department

1. **This Change**. Updates Chapter 10: Civilians.
2. **Summary of Changes**. This change represents the first update of Chapter 10 of the Manual of the Medical Department in 20 years. Several articles have been revised to clarify language or maintain consistency with other governing instructions that have been modified, but the overall intent remains unchanged. While a complete reading of the entire chapter is necessary to discover all the changes, the major revisions include:
 - a. Section I, article 10-3 updated to reflect current position titles to align with current Bureau of Medicine and Surgery (BUMED) activities.
 - b. Section II, article 10-5 updated where the Classification Authority aligns with Navy policy.
 - c. Section III, articles 10-6 through 10-8 have been rewritten to correctly describe the BUMED Equal Employment Opportunity (EEO) Program.
 - d. Section IV articles 10-9 through 10-11 have been rewritten to update position titles to align with current Navy Office of Civilian Human Resources activities.
 - e. Section VI, article 10-13 was added to include references listed in this chapter.
3. **Action**
 - a. Remove chapter 10 and replace with the revised chapter 10.
 - b. Record change 171 in the record of page changes.



D. K. VIA
Chief, Bureau of Medicine and Surgery

Chapter 10

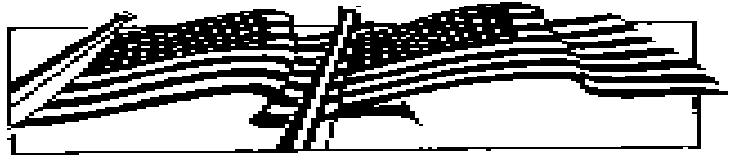
Civilians

Responsible Office	Director, Manpower and Personnel, (BUMED-N1)	Phone:	COM DSN	(703) 681-9251 761-9251
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See list of references used in this chapter in article 10-15 page 10-11.

Chapter 10

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Section I Civilian Employees

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10-1	General
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1. For purposes of brevity throughout this chapter, the term commanding officer (CO) will be used to include commanders, COs, and officers in charge of Navy Medical Department activities, unless otherwise stipulated.
2. This section contains general instructions pertaining to civilian personnel management at Navy Medical Department activities. More specific and detailed civilian personnel policies, regulations, and procedures are issued by the U.S. Office of Personnel Management (OPM), the Department of Defense (DoD) Civilian Personnel Management Service (CPMS) and the Department of the Navy (DON) Office of Civilian Human Resources (OCHR) and are codified in the Code of Federal Regulations (CFR) and the DoD and DON Civilian Human Resources Manual, respectively. In addition, BUMED directives may be issued to advise commands of special command policies and other guidance relating to civilian human resource management (HRM) matters peculiar to Navy Medical Department activities.
3. SECNAVINST 12250.6 sets forth the Navy’s policy, organization, and assignment of program responsibility for civilian HRM. DON philosophy is that the purpose of HRM is to aid managers in mission accomplishment and that the basic responsibility for HRM, whether at Headquarters or a field activity, rests with the CO. Managers and supervisors at all levels are accountable for the execution of HRM responsibilities within the framework of Federal, DoD, and DON policy. Per SECNAVINST 12250.6, Navy Medical Department field activities will receive HRM services from a designated DON Human Resources Office (HRO) and the appropriate geographic DON OCHR, unless alternative servicing is specifically approved by OCHR. Activities of sufficient size may have civilian personnel support staff to help manage their Human Resources Program and to coordinate and liaison with the servicing

HRO. The director of the servicing HRO reports directly to the Director, Civilian Human Resources (BUMED-N11) who is the principal advisor for the administration and management of the BUMED HRM program.

4. Within the DON, civilian HRM is composed of the following functional areas: Organizational design, position management and classification, recruitment and staffing, compensation management, labor management and employee relations, performance management and recognition, and training and development.

10-2

BUMED Policy

1. It is BUMED policy that HRM and the responsibility for the administration of personnel policies and programs are inherent in command responsibility. Accordingly, COs will be held ultimately responsible for HRM program management at their individual activities, regardless of the level of HRM support provided by the servicing HRO and OCHR.

10-3

Organizational Relationships

1. Commands will utilize their servicing BUMED HRO for advice and assistance on HRM matters. Each HRO is led by a Satellite Manager who reports to BUMED-N11. The combined BUMED-N11 staff are BUMED's liaisons with OCHR, who together, provide HRM servicing to Navy Medicine commands.

Section II CIVILIAN POSITIONS

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10-4 Funds

1. In conjunction with their Health Services Office, funds for personnel services are provided in the annual operating budget issued to each activity or regional group of activities for appropriate expenses. Subject to the availability of resources and the limitations contained in article 10-5, commands may establish or abolish positions which best fit the mission and needs of the activity.

10-5 Establishment of Positions

1. The CO will establish positions as dictated by the mission requirements of the activity. Positions must be classified in accordance with OPM standards. Position classification will be conducted by classification specialists at the HRO. It is a management responsibility to ensure position descriptions are accurately written and kept current.
2. BUMED-N11 is responsible for the classification program, including monitoring the numbers of high-grade positions, which may be subject to limitations imposed by higher authority. In some cases, BUMED-N11 will audit proposed upgrades in the GS-13, 14, or 15 levels or equivalent. In such cases BUMED-N11 may require any or all of the following documents: a position description; comprehensive evaluation statement; audit notes containing specifics for the upgrade; statement regarding any position replaced or affected; organization chart for the organizational segment showing other civilian positions by title, series, and grade; military supervisory billets; and functional statement for the organization in which the position is located.

Section III Equal Employment Opportunity

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10-6 DON Policy

1. The DON is committed to a culture of respect where equal employment opportunity (EEO) is not only the law but is recognized as laying the foundation for an environment where everyone is valued, understood, and included. Equality of opportunity is an essential element of readiness and is vital for attracting, developing, and retaining a top-quality workforce to accomplish the DON strategic mission. It is DON’s policy to:

- a. Provide opportunities for all persons regardless of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), national origin, age, disability, or genetic information (including family medical history), and ensure anyone who engages in protected EEO activity is free from reprisal.
- b. Provide all employees with the freedom to compete on a fair and level playing field with equal opportunity for competition.
- c. Ensure EEO covers all personnel and employment programs, management practices and decisions including, but not limited to, recruitment, hiring, merit promotion, transfer, reassignments, training and career development, benefits, discipline, and separation.
- d. Ensure leadership at all levels demonstrates commitment to fully integrate the principles of equality of opportunity into the DON mission.

- e. Ensure managers and supervisors understand and successfully execute their responsibilities to ensure equality of opportunity.
- f. Promote the full realization of EEO through a continuing affirmative employment program that is effective, responsive, and legally compliant.
- g. Recognize the critical significance of accountability in the design, implementation and review of employment policies, practices, and procedures to ensure equality of opportunity and a discrimination-free work environment.

10-7

Management Involvement

1. BUMED EEO Office, operating under the Surgeon General of the Navy's special staff, will proactively manage DON's EEO Policy throughout Navy Medicine CONUS, and assist DON Overseas EEO Program Office with supporting Navy Medicine activities OCONUS as needed.
2. The EEO Office works with the Office of General Counsel, Human Resources Office (HRO), Office of the Inspector General, Harassment Prevention and Response Program Coordinators, COs, and management officials to ensure effective management and compliance of the DON and BUMED EEO Program.
3. The EEO Office will maintain a highly qualified force of EEO specialists in various CONUS locations to work directly with command leadership and subordinate commands and activities in both program execution and program evaluation.
4. Commands will utilize their servicing EEO office for advice and assistance on EEO matters. Additional counsel and assistance may be obtained from the Special Assistant for EEO, (BUMED-N00EEO).

10-8

Prevention of Unlawful Discrimination

1. COs are responsible for the work environment at their unit and must:
 - a. Ensure workplace harassment, regardless of basis, is not tolerated, is immediately investigated using applicable procedures, and, where substantiated, appropriate action is taken.
 - b. Actively support and participate in the accomplishment of DON and BUMED EEO Program initiatives.

- c. Ensure a work environment free of hostile, discriminatory, or offensive behavior.
 - d. Provide effective and timely reasonable accommodations and personal assistance services in accordance with applicable regulations and guidance.
 - e. Cooperate with EEO officials, in a timely manner, when requested to participate in any facet of the EEO complaint process including but not limited to fact finding inquiries, investigations, and hearings.
 - f. Ensure all employees and applicants for employment are not retaliated against for filing a discrimination complaint, participating in the discrimination complaint process, opposing unlawful discrimination, or requesting reasonable accommodation.
2. Managers and supervisors make the day-to-day employment decisions affecting employees. As a result, they have a critically important role in the successful execution of the EEO program objectives. Policies and practices affecting the civilian workforce must be clearly defined and communicated with the workforce.
3. Managers and supervisors, both civilian and military, of civilian personnel will be trained on EEO, alternate dispute resolution, and reasonable accommodations within 12 months of being assigned to a supervisory position and attend refresher training every 36 months thereafter.

Section IV Labor Management Relations (LMR)

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10-9 **DON Policy**

1. LMR programs in DON will be focused on supporting and enhancing DON mission. Strong, positive, labor-management relationships established under the provisions of sections 7011 to 7120 of Title 5, U.S. Code help to create and maintain a high-performance workplace that delivers the highest quality health care services at the lowest possible cost. Such relationships help managers and employees to pursue solutions that promote increased quality and productivity, customer service, mission accomplishment, efficiency, quality of work life, and mission readiness.
2. DON activities must follow the procedures and requirements found in the DoD Instruction 1400.25, Volume 711, DoD Civilian Personnel Management System: Administrative Grievance System, 26 December 2013. BUMED activities will follow internal BUMED LMR policies and instructions.
3. No headquarters element, host, or servicing activity will issue regulations or procedures requiring changes to bargaining unit employees' conditions of employment without allowing affected activities sufficient time to satisfy bargaining obligations before requiring implementation of the changes. To ensure DON's national union consultation obligations are met, headquarters elements will notify the BUMED HRO Labor and Employee Relations Program Manager and the OCHR Workforce Relations and Compensation Director before making final decisions on such changes.

10-10**Management Responsibilities**

1. COs are responsible for granting recognition to labor organizations certified as the representative of employees in an appropriate unit, establishing and maintaining the relationship with the certified representative, negotiating labor agreements, processing grievances, and representing the activity in arbitration. These are considered inherent management functions and may not be performed by a contractor.
2. COs or their designee, working through their servicing BUMED HRO, will notify the servicing OCHR Operations Center representative upon receipt of an unfair labor practice (ULP) charge, representation petition, or a petition to determine eligibility for dues allotment filed under the provisions of section 7115(c) of Title 5, U.S. Code and promptly provide the OCHR LMR representative necessary information and evidence related to the case.
3. COs may, in accordance with established procedures, file ULP charges against a labor organization. Such charges will not be filed when the matter can more appropriately be pursued through a negotiated grievance procedure or other management-initiated administrative action. An OCHR representative, BUMED-N11 and BUMED HRO Labor and Employee Relations Program Manager will be consulted and must approve prior to the filing of a ULP charge against a union. Also, prior to filing the charge, the union will be advised and given an opportunity to resolve the matter with management.

10-11**Contract Negotiation and Management**

1. An individual designated as a chief negotiator for management must undergo appropriate training prior to the start of negotiations unless the individual already has demonstrated experience in labor contract negotiations. HRO LMR staff will participate in contract negotiations with management.
2. Managers and supervisors will be trained on the provisions of collective bargaining agreement(s) covering their employees as soon as practical following approval of the agreement(s). Because of the regular rotation of the staff at Navy Medical Department activities annual refresher training is recommended.
3. Navy Medical Department activities with one or more bargaining units must develop a local plan for responding to a job action initiated by employees.

Section V

**HUMAN RESOURCES
MANAGEMENT ASSESSMENT
AND EVALUATION**

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10-12 **DON Policy**

1. SECNAVINST 12273.1B sets forth the DON policy and guidance regarding the assessment and evaluation of program results and accountability for civilian HRM, including personnel and EEO.
2. All COs must maintain effective systems for assessing and evaluating civilian HRM programs under their cognizance. Accountability includes compliance with law, regulation, and policy, as well as ensuring HRM supports readiness and mission accomplishment.

10-13 **HRM Assessment and Evaluation Program Requirements**

1. Assessment of activity HRM is an integral element of the management process. As such, it must tie HRM programs, processes, and practices to the strategic planning of the organization.
2. To be considered comprehensive, assessment must address the HRM responsibilities of line management, not just the work and responsiveness of HR and EEO service providers. This includes making determinations such as whether:
 - a. Delegated authorities are being properly carried out.

- b. Personnel management is contributing to the activity's readiness and mission accomplishment.
 - c. The organization is attracting and retaining the best talent available.
 - d. Program flexibilities are being employed as intended.
 - e. The EEO goals and objectives are being achieved.
3. Characteristics of successful organizations include systematic and objective measurement processes, goal setting, comparisons with other organizations, and documentation of results, thereby allowing for the assessment of trends over time. For smaller Navy Medical Department activities, it may mean partnering with a larger organization to provide the breadth of program coverage that independence does not allow.
4. DON and BUMED employ a self-assessment process for HRM programs. The self-assessment process may be simple or complex, consistent with the size and mission of the organization. Self-assessment must be performed on a regular and recurring basis. The time-period for an activity's self-assessment cycle should be based on activity size, complexity, and previous findings, normally every 1 to 2 years. Program improvements that are made because of the self-assessment should be continuous and documented in the next self-assessment cycle. COs should use SECNAVINST 12273.1B for their HRM self-assessment.

10-14

EEO Assessment and Evaluation Program Requirements

1. The U.S. Equal Employment Opportunity Commission (EEOC) Management Directive (MD) 715 available at: <https://www.eeoc.gov/federal-sector/federal-sector> provides policy guidance and standards for establishing and maintaining a model EEO Program, including effective affirmative action programs, and programs facilitating the employment of workers with disabilities.
2. EEOC MD 715 requires an annual internal audit or self-assessment of the effectiveness and efficiency of EEO, Title VII of the Civil Rights Act of 1964, and Rehabilitation Act programs. EEO Offices, HROs, and OCHRs will assist with the statistical analysis of the workforce and applicant flow. COs should use EEOC Form 715-01, Part G in conducting the annual self-assessment.

Section VI References

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References

REFERENCES USED IN THIS CHAPTER

DoD Instruction 1400.25 Civilian Personnel Management
available at:
<https://www.esd.whs.mil/directives/issuances/dodi/>

All Department of the Navy Instructions are available at:
<https://www.secnav.navy.mil/doni/Directives/Forms/AllItems.aspx>

SECNAVINST 12250.6 Civilian Human Resources Management in the Department of the
Navy
SECNAVINST 12273.1B Civilian Human Capital Management Assessment
Program

All United States Codes are available at:
<https://uscode.house.gov/browse/prelim@title10/subtitleC/part1/chapter809&edition=prelim>
5 U.S.C. §7111 to 7120
5 U.S.C. §7115(c)
10 U.S.C. §6027
10 U.S.C. §8090

Equal Employment Opportunity Commission Title VII, Section 717,
available at: <https://eeoc.gov/federal-sector>