

Change 122
Manual of the Medical Department
U.S. Navy
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To: Holders of the Manual of the Medical Department

1. **This Change** Completely revises Chapter 10, Civilians.
2. **Action**
 - a. Remove Chapter 10 and replace with the new Chapter.
 - b. Record this Change 122 in the Record of Page Changes.



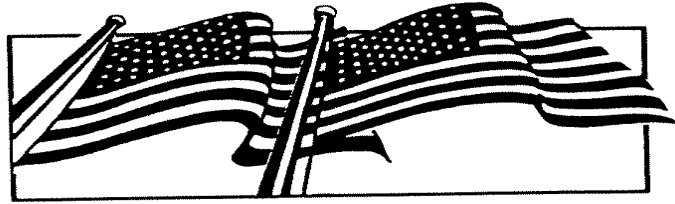
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Chapter 10

Civilians

Chapter 10

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Section I

CIVILIAN EMPLOYEES

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10-1

General

(1) For purposes of brevity throughout this chapter, the term commanding officer (CO or COs) will be used to include commanders, commanding officers, 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 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. COs of field activities have been delegated authority to classify civilian positions through grade GS/GM-15 or equivalents and to effect appointments and other personnel actions. In accordance with 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 Human Resources Service Center (HRSC), 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 shall report directly to the CO as his or her principal advisor for the administration and management of the command's 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, equal employment opportunity, 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 HRSC.

(2) In conjunction with their Healthcare Support Office (HSO), Navy Medical Department activities employing civilians shall make provisions for adequate staff services in the civilian HRM area. This will be accomplished through arrangements with HROs, HRSCs, and other Navy Medical Department activities or in-house resources.

10-3

**Organizational
Relationships**

(1) Commands will utilize their servicing HRO for advice and assistance on HRM matters. Additional counsel and assistance may be obtained from the BUMED Special Assistant for Civilian Personnel Programs, M00CP (who acts as the Director, Civilian Personnel Programs (DCPP)) and the BUMED Special Assistant for Equal Opportunity, M00E, at Bureau of Medicine and Surgery (M00CP or M00E), 2300 E Street, NW, Washington, DC 20373-5300, who are BUMED's liaisons with OCHR.

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Section II CIVILIAN POSITIONS

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10-4 Funds

(1) In conjunction with their HSO, 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 shall establish positions as dictated by the mission requirements of the activity. Positions shall be classified in accordance with OPM standards. Although the CO has ultimate classification authority, actual position classification will normally be conducted by classification specialists at the HRO or the HRSC. Under DON established practice, managers with budget authority delegated to them may also be delegated authority to classify positions within their organization. It is a management responsibility to ensure position descriptions are accurately written and kept current.

(2) The BUMED DCPD is responsible for monitoring the numbers of high-grade positions, which may be subject to limitations imposed by higher authority. In some cases, the DCPD will audit proposed upgrades in the GS-13, 14, or 15 levels or equivalents. In such cases the DCPD 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.

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Section III EQUAL EMPLOYMENT OPPORTUNITY (EEO)

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10-6 DON Policy

- (1) It is the policy of the DON that COs shall serve as the EEO officer.
- (2) EEO is part of the inherent responsibilities of all managers and supervisors and, therefore, it is each manager and supervisor’s responsibility to ensure that work practices and decisions are free from unlawful discrimination.



10-7 Management Involvement

- (1) Managers are responsible for ensuring that our workforce reflects our nation’s diversity and for providing the maximum opportunity for selection, advancement, and retention for all members of the workforce.
- (2) HRM policies and practices must be clearly defined and discussed with the workforce. Confusion relating to policies and practices often is the basis for perceptions of discrimination and hostile work environments. COs and their senior leadership should work closely with their servicing HRO to ensure that HRM policies, practices, and associated training made available to the workforce and applicants for positions is easily understandable and is readily accessible.
- (3) Although EEO is a component of the HRM Program within DON, COs must ensure a free exchange of ideas and information between managers and supervisors and HR and EEO program advisors.

10-8

**Prevention
of Unlawful
Discrimination**

(1) COs will ensure that EEO officials responsible for the discrimination process are free from interference and reprisal in the execution of their duties and in their efforts to maintain the integrity of the process.

(2) COs will establish procedures to identify and prevent potential discriminatory practices or those that might contribute to a perception of unlawful discrimination.

(3) Wherever feasible, COs should strive to address and resolve employee concerns at the lowest possible level. Various forms of dispute resolution may prove helpful in gaining rapid resolution to concerns.

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Section IV

LABOR MANAGEMENT RELATIONS (LMR)

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10-9

DON Policy

(1) LMR programs in the DON will be focused on supporting and enhancing the DON mission. Strong, positive, labor-management relationships established under the provisions of Title 5, United States Code (USC), Part III, Subpart F, Chapter 71, 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 shall follow the procedures and requirements found in the DOD Civilian Personnel Manual 1400.25-M, Subchapter 711 of December 1996, and the DON Civilian Human Resources Manual, Subchapter 711, Labor Management Relations Program.

(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 that DON's national union consultation obligations are met, headquarters elements will notify the Office of Civilian Human Resources (OCHR) Director of Labor and Employee Relations (LER) Programs before making final decisions on such changes.

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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 with their servicing HRO, shall notify the servicing HRSC or the Commandant of the Marine Corps (CMC) LMR 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 5 USC § 7115(c) and promptly provide the HRSC or CMC LMR representative necessary information and evidence related to the case.

(3) COs are authorized to 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

HRSC or CMC LMR representative will be consulted 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 is already experienced in labor negotiations. HRO LMR staff are valuable resources in contract negotiations and management.

(2) Managers and supervisors shall 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 advisable.

(3) Navy Medical Department activities with one or more bargaining units shall develop a local plan for responding to a job action initiated by employees

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Section V

HUMAN RESOURCES MANAGEMENT ASSESSMENT AND EVALUATION

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10-12

DON Policy

(1) SECNAVINST 12273.1 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 shall 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 that 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 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 range and breath 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 made as a result of the self-assessment should be continuous and documented in the next self-assessment cycle. COs should use the DON Human Resources Implementation Guide No. 273-01 in accomplishing 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: <http://www.eeoc.gov/federal/md715/index.html> 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. HROs and HRSCs will be able to help with the statistical analysis of the workforce and applicant flow. COs should use EEOC Form 715-01, Part G, available at <http://www.eeoc.gov/federal/715instruct/forms.html> in conducting the annual self-assessment.

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