



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON NAVY YARD
1322 PATTERSON AVENUE SE SUITE 3000
WASHINGTON DC 20374-5066

IN REPLY REFER TO

JAG/COMNAVLEGSVCCOMINST 12271
Code 06
30 June 2011

JAG/COMNAVLEGSVCCOM INSTRUCTION 12271

From: Judge Advocate General
Commander, Naval Legal Service Command

Subj: CIVILIAN POSITION MANAGEMENT BOARD (PMB) GUIDELINES

Ref: (a) DoD Instruction 1400.25, Vol 511 of 31 Mar 2010
(b) DoD Instruction 5010.37 of 17 Nov 1987
(c) SECNAVINST 12511.1 of 21 Oct 2010

Encl: (1) PMB Request Form
(2) Accretion of Duties Questionnaire
(3) Statement of Work for Contract Vendor

1. Purpose. To establish policies and procedures for the Position Management Board (PMB) for the Office of the Judge Advocate General (OJAG) and the Naval Legal Service Command (NLSC) in accordance with references (a) through (c). The PMB will assist the Judge Advocate General (JAG) and Commander, Naval Legal Service Command (CNLSC) in ensuring each organizational unit within the command is structured for optimal use of government and OJAG/NLSC resources. The PMB will review prospective changes to civilian billets (encumbered or vacant) that would result in a new series classification, grade, major duties, and/or duty station. The PMB will approve any changes to the current organizational structure while ensuring all staffing changes are mission essential and comply with the priorities of the command. The PMB decisions will consider the potential impacts associated with workforce reductions, reorganizations, hiring constraints, personnel changes, workload fluctuations, accretion of duties promotions, and promoting efficient production, effective position management and classification programs.

2. Scope. This instruction applies to OJAG and NLSC commands. If any procedures outlined conflict with local bargaining unit agreements for bargaining unit positions, the negotiated agreement will take precedence.

3. Roles and Responsibilities.

a. PMB Core Members. Membership of the PMB will be composed of senior leadership and will include:

- (1) Code 06, Executive Director (Chair);
- (2) Code 61, Deputy Division Director;
- (3) Code 63, Deputy Division Director;
- (3) Code 64, Comptroller;
- (4) Code 65, Chief Information Officer;
- (5) Code 15, Division Director;
- (6) Code 01 Representative;
- (7) Code 02 Representative;
- (8) Naval Legal Service Office (NLSO) Representative; and
- (9) Region Legal Service Office (RLSO) Representative.
- (10) The Chief Judge, Department of the Navy, will be notified of all meetings and may participate at his or her discretion.

b. Recusal. Any member of the PMB whose own billet is submitted to the PMB for action will recuse him/herself from the PMB's review and vote regarding the request. A more senior member of the recused's chain of command will participate in the PMB's review and vote regarding the request.

c. Meetings. The PMB will meet monthly to review and discuss the agenda items and request additional input from stakeholders to clarify any issue. The chair may hold a PMB meeting outside the regularly scheduled time as necessary to address emergent requests. If not available for a meeting, the chair will designate an acting chair from among one of the other core members. A quorum of members must be present to conduct business, and decisions will be rendered by a majority vote. In the event of a tie, the chair will break the tie.

d. The PMB will:

(1) Review and make recommendations for final decision by the JAG and CNLSC on the following matters:

(a) Proposed billet structural changes in series for civilian billets within its purview;

(b) Establishment of all new billets;

(c) Requests for temporary promotions or reassignments in excess of 120 days;

(d) Requests for all temporary and term appointments;

(e) Requests for re-employed annuitant hires;

(f) Requests to authorize Permanent Change of Station (PCS) to fill specific vacancies;

(g) Requests for new or continued contractor billets (other than Information Technology (IT) contractor positions). At least annually, contractor billets will also be reviewed/validated to determine the continued need and relative cost of filling the need with a contractor asset as opposed to a civilian hire. Approval for contract hires will not exceed one year;

(h) Requests for accretion of duties promotions based upon overall facts presented, fulfillment of mission requirements, and consistency with merit system principles. PMB's approval of the position change request may require the new position be filled through competitive competition rather than through accretion of duties; and

(i) Requests for paid interns hiring and the subsequent conversions of a graduating intern to a permanent position.

(2) Monitor and enforce previously approved PMB requests. This will occur at least quarterly.

e. The Comptroller staff will:

(1) Verify funding availability as needed.

(2) Maintain a spreadsheet by fiscal year of PMB decisions regarding filling or changing civilian and contractor billets. The spreadsheet will annotate any special circumstances or conditions regarding the billet, whether PCS is authorized, and the type of appointment authorized (i.e., permanent, term, or temporary).

(3) Ensure proper alignment of the organization code within the financial systems.

f. The Management Support Branch (OJAG Code 64.2) staff will:

(1) Coordinate receipt of all PMB request packages;

(2) Develop and distribute an agenda prior to each meeting. The agenda will include all requests with substantiating documentation and will be provided in advance (normally two days) of the meeting;

(3) Provide human resources perspective/analysis for each requested action including advisory classification actions, as necessary;

(4) Prepare and distribute minutes after meetings outlining key topics of discussion and decision;

(5) Provide administrative support for the PMB to include documentation of PMB decisions/recommendations;

(6) Work with managers to implement all relevant decisions/recommendations involving civilian personnel;

(7) Ensure all PMB decisions and recommended changes ultimately approved by JAG/CNLSC are properly reflected in the Defense Civilian Personnel Data System (DCPDS) and track approved positions to ensure all required actions are completed to properly align the new position to the appropriate organization and cost codes;

(8) Ensure notification and maintain communication with the appropriate divisions and commands regarding the implementation status of approved actions;

(9) As requested, but no less than quarterly, provide the PMB with the status of previously approved position/organization structure changes and their current status;

(10) Prepare and submit any needed changes in civilian billet structure to the Total Force Manpower Management System (TFMMS) based on PMB approved changes.

g. Assistant Judge Advocates General (AJAGs), Deputy Commanders, and Commanding Officers will:

(1) Annually review the organizational structure within their purview evaluating the command's anticipated changes in workload and anticipated and actual vacancies. This review will also focus on removing excess layers and possible redundancies in billets and staffing.

(2) Prepare and submit PMB requests as described in paragraph 4.b. of this instruction when seeking PMB's approval for an action under its purview. Failure to submit the request as required will result in a delay of the PMB's timely review of the request.

(3) In the case of Commanding Officers, route all PMB requests through their cognizant Deputy Commander.

4. Policy.

a. The PMB will observe fundamental position management principles outlined in references (a) through (c) to achieve an overall effective position management program designed to ensure efficient distribution of staff resources, and to aid in identifying, preventing, and eliminating unnecessary organizational fragmentation, minimize the number of deputies and assistants, correct improperly structured positions, terminate outmoded work methods, and correct inappropriate span of control, with an emphasis on delegation and decentralization of authority to the lowest appropriate working level;

b. Recruitment will not be initiated for any position under the PMB's purview until approval is obtained from the PMB Chair.

c. When hiring restrictions and/or budget reductions have been imposed by a higher level authority, the PMB may choose to review all requests to fill vacant positions regardless of whether or not the new hire will maintain the status quo in manpower and salary obligations.

5. Procedures.

a. AJAGs or Commanding Officers requesting PMB action will submit the package to the Head, Management Support Branch (Code 64.2) no sooner than four months, but no later than one month prior to the proposed effective date of change.

b. Complete request packages will include, but are not limited to:

(1) Information requested in enclosure (1) for all requests;

(2) Information requested in enclosures (1) and (2) for all proposed "accretion of duties" requests;

(3) Information requested in enclosure (1) and (3) for all proposed contract position requests;

(4) Current organizational chart and proposed organizational chart identifying all civilian, contractor, and military billets;

(5) Current position description and proposed position description if seeking changes to major duties, series, or grade of position. (A statement of work will be submitted in lieu of a position description for requests involving contract billets.)

(6) Workload statistics from current and past years, as appropriate;

(7) Other substantiating documentation.

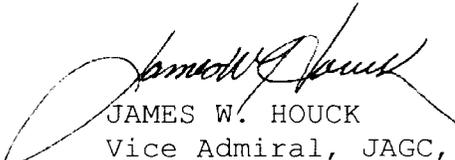
c. AJAGs and Commanding Officers may submit a reconsideration request to the PMB no sooner than three months

following the most recent decision. A resubmission request should state the date of original submission and what information, if any, has altered the environment that might now cause the PMB to approve the request.

6. Action. All OJAG divisions and NLSC commands will follow the policies and procedures set forth in this instruction.



NANETTE M. DeRENZI
Rear Admiral, JAGC, U.S. Navy
Commander, Naval Legal Service
Command



JAMES W. HOUCK
Vice Admiral, JAGC, U.S. Navy
Judge Advocate General

Distribution:

Electronic Only via the Office of the Judge Advocate General
website, <http://www.jag.navy.mil>.

Justification of Request:

1. What is the objective of the change requested?

2. Why is change necessary (i.e., what need is driving this request)?

3. Have cost savings or other efficiencies been identified as a result of approval of this request? How will these be measured?

4. What are the risks or consequences of approving this request (e.g., perceived disparate treatment within the organization, etc.)?

5. What are the risks or consequences of disapproving this request (e.g., call for desk audit, production time remains slower than necessary, etc.)?

6. What other relevant information should the PMB know to support this request? If this is a 2nd request, what new information now affects the request?

QUESTIONS FOR ACCRETION OF DUTIES PROMOTIONS

Accretion of Duty promotions must be well documented and must be free of any implication that competitive procedures were deliberately circumvented. Questions 1-12 must be addressed by the requesting office. Questions 13-14 will be addressed by Code 64.2.

Requesting office response:

1. What are the new duties and where did the new duties come from?
2. What were the reasons for the assignment of the new duties?
3. What were the primary duties of the old position?
4. Were the major duties of the old position absorbed in the new position, and the former position cancelled or to be cancelled?
5. Could management have reasonably known that the new duties were higher level before they were assigned?
6. Does the new position have known promotion potential?
7. Is there an established career ladder in the organizational unit or command for the work?
8. Has the incumbent received other accretion promotions?
9. Were there other eligible candidates for the position within the typical merit promotion area of consideration?
10. Does the position remain in the same organizational unit and retain the same supervisor?

11. Do the additional duties adversely affect another encumbered position?

12. Does the action have the appearance of fairness?

Code 64.2 input:

13. What was the basis for the classification (grade and series) of the replaced position description?

14. Have there been other substantial accretion of duty promotions within the work unity or organization?

STATEMENT OF WORK (SOW) FOR CONTRACT

In order to obtain bids for the contract work sought, the requesting office must provide a SOW describing the type and scope of work to be provided. Contract vendors will use this SOW to identify the qualified professionals that best match the organization's requirements.

The following outline provides a template for development of a SOW, but can be tailored to meet a work unit's individual needs.

SOW Language Tips

All those who read the SOW need to understand it in a clear and concise manner; therefore, language selection is very important. Below are language tips to consider when writing a SOW:

- Be concise, precise, and consistent.
- Use simple words, phrases, and sentences whenever practical.
- Avoid vague, inexact phrases, generalizations, open-ended phrases, government jargon, and "should" or "may" clauses.
- Define technical terms.
- Use "shall" or "must" when writing a requirement binding on the contractor.
- Use "will" to indicate actions by the government.

SOW Format

The SOW format should contain the following areas of detail, each further defined below:

- Background
- Scope
- Objectives
- Tasks
- Delivery
- Government-furnished property
- Security Requirement
- Place of performance
- Period of performance

Background: Often identified as the "Introduction," this section should provide information needed to acquaint the reader

with the planned acquisition. The background information should identify the requirement in very general terms; describe why the project is being pursued, and how it relates to other projects. Summarize any statutory authority or regulations affecting the overall requirement; and identify any background materials attached to the SOW.

Scope: This section should provide a brief statement of what the agency expects to accomplish under the contract – the breadth and limitations of the contract effort. It should not include specific work tasks or a description of deliverable products since this will be included in the "Tasks" section described below.

Objectives: This section should provide a concise overview of the contract effort goals and objectives; and how the results or end products will be used.

Tasks: Sometimes identified as "Work Requirements," this section defines the tasks to be completed during contract performance. This section should specify requirements clearly so that all readers can understand them. Reference only the absolute minimum applicable specifications and standards needed. For a Performance-Based Work Statement, this section should describe requirements in terms of results required rather than the methods for completing the work. This latitude will permit the contractor to develop new and innovative ways to complete those tasks.

Delivery: This section states what the contractor must deliver. If different tasks have different delivery requirements, they must be clearly identified along with times within which the contractor must deliver. This may be stated using actual dates, days after contract award, or using some other method that clearly marks the required delivery date, and where the contractor must deliver the product.

Government-Furnished Property: This section should identify any government-furnished property provided to the contractor such as equipment and/or information. If the list of property is extensive, this section should identify where that list can be found. Before offering to provide any property, make sure that it will be available when required, where required, and in the condition required by the contract. Failure to meet government furnished property requirements often lead to a contractor claim for an equitable adjustment to contract price, delivery, or other requirements.

Security Requirements: This section identifies any unique security requirements associated with contract performance. These requirements may include, but are not limited to, such items as: special pass or identification requirements; special security clearance requirements; or special escort requirements. The requesting office should consult with their local security manager to ensure proper specifications are established here. Prior to submitting this SOW to a vendor, the requesting office will also complete a form DD 254 as required by your security manager.

Place of Performance: This section identifies where the contract will be performed. If performance will occur at multiple government locations, this section should indicate which tasks must be completed where. If performance will be at the contractor's facility, the SOW need only state that requirement.

Period of Performance: The period of performance may be stated using actual dates, days after contract award, or using some other method. If different periods of performance will apply to different tasks, the tasks and related periods of performance should be clearly identified.