



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
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JAG/CNLSCINST 12792.1
Code 66
30 Aug 2018

JAG/COMNAVLEGSVCCOM HQ INSTRUCTION 12792.1

Subj: CIVILIAN FITNESS AND WELLNESS PROGRAM

Ref: (a) JAG/CNLSCINST 6100
(b) OPNAVINST 6100.2A
(c) DON Civilian Human Resources Manual
(d) OPNAVINST 6110.1J
(e) SECNAV M-5210.2
(f) OPNAVINST 5215.17A

Encl: (1) Wellness Program Agreement
(2) Wellness Program Pay Period Log Sheet (Optional)

1. Purpose. To establish policy for implementation of the Office of the Judge Advocate General (OJAG) and Naval Legal Service Command Headquarters (NLSC HQ) civilian fitness and wellness program (CFWP), which focuses on helping to enhance performance and productivity. The CFWP is designed to create a corporate culture of wellness which promotes healthy living as a priority. Physical fitness and other wellness activities decrease the likelihood of workplace injuries, enhance workforce performance, and increases physical and mental well-being for all personnel. Leaders are encouraged to serve as role models by participating in fitness and wellness activities and inspiring others to do so. This instruction should be read in conjunction with the Navy JAG Corps health and wellness promotion program in reference (a).

2. Background. Civilian fitness and wellness programs are authorized by references (b) and (c) to improve and sustain military readiness and the health, fitness and quality of life of civilian personnel.

3. Applicability and Scope. This instruction is applicable to full-time civilian employees of OJAG and NLSC HQ. The objectives of this program are to promote OJAG and NLSC HQ as an employer of choice and improve the recruitment and retention of high-quality personnel, while maintaining or increasing productivity. This instruction does not apply to military personnel who follow the requirements of reference (d).

4. Policy. Civilian participation in CFWP is strongly encouraged. The OJAG/NLSC HQ CFWP will provide staff members the opportunity to assess their own health and wellness, and to participate in a fitness program to maximize individual on-the-job performance. The CFWP will run from September to November of each year to provide employees the opportunity to "jump-start" their participation in wellness activities by providing short, excused absences from the workplace to begin the employee's long-term commitment to wellness. After such time, employees are encouraged to continue participation in an exercise program through flexible work

scheduling and leave usage. Participation in the CFWP in one year does not automatically carry over to the following year. A new Wellness Program Agreement must be completed each year that an employee wishes to participate in the program. This policy includes educational opportunities for our Smoking Cessation Program. Smoking cessation resources will be made available on a continuance basis and upon request. Participation in this program is not limited to the same CFWP activities of September to November.

a. Participants in the CFWP may engage in specific activities such as walking, use of base gym, stretching classes, sports, education on safe participation in fitness events and other general recreational events. Participants are encouraged to consult a physician prior to participating in a physical conditioning program or other physical activities. The following activities are approved for participants in the CFWP:

(1) Organized fitness activities conducted by MWR or by the command, to include but not limited to, walking and jogging programs, aerobics, and aquatics;

(2) Individual exercise programs;

(3) MWR fitness assessments;

(4) Presentations on health and fitness topics;

(5) Nutrition or weight management programs

b. Participants may use a maximum of 59 minutes of excused absence per day for up to three regularly scheduled work days per week. Such excused absences can be combined with authorized breaks or in conjunction with the regularly scheduled lunch period with supervisory approval. CFWP related excused absences may not be used before an employee reports for duty or to allow for an employee's early departure, and may not be extended to allow additional time for associated activities such as travel, changing clothes or showering. Excused absences are only authorized under this instruction for participation in CFWP activities during the time period per paragraph 4a - above.

(1) Unused time from a previous week may not be carried over from week to week. Unused time from a previous day may not be carried over to another day. The 59 minutes per day consists of the total time away from the worksite to include time for changing clothes, showering, traveling to and from the fitness location and any other associated activities.

(2) Supervisors may require employees participating in the CFWP to record their expected and actual departure and return times pursuant to participation in the CFWP on the Wellness Program Log Sheet (enclosure (2)) each pay period. This is an optional tool for the Supervisor. If required, the Wellness Program Log Sheet should be signed and submitted to the employee's supervisor each pay period to account for the employee's time.

(3) If an employee is unexpectedly away from the office for longer than the approved period of excused absence, he/she may request to be placed in an appropriate leave status by his/her supervisor.

(4) If the employee does not request, or the supervisor denies the request for the use of leave, the employee shall be placed in an absent without leave (AWOL) status.

(5) Excused absences for CFWP activities should be reflected as administrative leave (Type Hour Code "LV") within SLDCADA.

c. The use of fitness facilities onboard the participant's duty station is highly encouraged. However, supervisors may approve the use of an offsite facility, such as a local, private gym. Costs associated with use of a private facility must be borne by the employee and travel to and from any offsite facility must be accomplished within the allotted time period.

d. Employees not participating in the CFWP will not be granted equal time off for other purposes.

e. Overtime/compensatory time shall not be incurred due to participation in the CFWP. Employees participating in the CFWP will not be eligible for overtime/compensatory time on days they engage in CFWP activities, except for employees who are required to work regularly scheduled overtime as part of their workday, or who are required to work overtime because of the absence of another employee.

f. Injuries occurring during any period of excused absence as part of the CFWP must be promptly reported to the immediate supervisor. All participants in this program will practice personal risk management and mitigation to reduce the occurrence of preventable injuries. Safety practices that will be followed include (but are not limited to) proper warm-up and cool-down exercises and using equipment in a manner consistent with posted instructions or gym policies. Participants in this program who do not adhere to the proper procedures or engage in unsafe practices will be removed from the program.

g. It is the responsibility of employees to use non-duty time, including lunch periods, when participating in individual exercise programs outside of the CFWP. Employees may use leave flexibilities available to them upon approval, including but not limited to; use of annual leave, credit hours, previously earned compensatory time off, or other work schedule flexibilities for participation in individual exercise programs outside of the CFWP. Supervisors are responsible to ensure this time is accurately accounted for in SLDCADA.

h. Recruiting and hiring officials should consider the CFWP as a recruitment and retention strategy for applicable positions.

i. Participation in the CFWP is not an employee right.

j. A new Wellness Program Agreement should be prepared and signed if there is a change in work circumstances, a change in the activity pursued, or when a new employee/supervisor relationship is established.

k. An employee may be asked to return to the office or cancel scheduled CFWP activity for operational reasons and business needs if his/her presence is required during CFWP time. Normally, an employee will be notified of such change in advance, but sometimes advance notice is not possible in certain unforeseen circumstances or emergencies.

l. Requests by employees to change their scheduled CFWP day(s) or substitute a day for the CFWP day missed should be accommodated by the supervisor, where practicable, and consistent with work requirements.

5. Responsibilities

a. Supervisors are responsible for:

(1) Approving and monitoring employee involvement in the CFWP and any changes to employee participation. Supervisors may limit participation and alter schedules to ensure organizational productivity.

(2) Ensuring that participating employees have properly completed, signed and maintained Wellness Program Agreement (enclosure (1)), for the duration of the employee's participation in the program.

(3) Taking corrective action when the terms and conditions set out in the Wellness Program Agreement are breached. Corrective action may include the withdrawal of participation privileges and appropriate administrative or disciplinary action.

(4) Determining when mission needs dictate that planned program participation be terminated, modified or suspended until workload or mission requirements permit, and communicating such decisions to subordinate employees.

(5) Supporting employees' use of the leave flexibilities available to them, including use of annual leave, credit hours, previously earned compensatory time off or other work schedule flexibilities for participation in individual exercise programs outside of the CFWP.

(6) Accurately recording employee's time in the Standard Labor Data Collection and Distribution Application (SLDCADA).

b. Participants are responsible for:

(1) Completing and signing a Wellness Program Agreement (enclosure (1)) prior to participating in the CFWP.

(2) If required by supervisor, properly and accurately completing and signing a Wellness Program Log Sheet (enclosure (2)) each pay period of participation for the duration of participation, and submitting same to their supervisor.

(3) Signing in at all MWR facilities, if any, where they are participating in an activity. Sign-in roster may be used by supervisors to verify participation.

(4) Ensuring that all workload or mission requirements are met prior to engaging in any health or wellness activity during work hours.

6. Eligibility and Participation. Employees who are on a Performance Improvement Plan or are subject to a Letter of Requirement, or who have been disciplined within the past year are ineligible to participate in the CFWP.

7. Denial or Termination of Wellness Program Agreement. Subject to supervisory discretion, CFWP participation requests may be disapproved, and may be terminated/revoked. Disapproval and revocation decisions will be based on mission and workload requirements, safety concerns, employee conduct, or performance issues. Examples include but are not limited to: diminished performance or productivity, unmanageable burden on other staff members, no adequate resolution to staff coverage, customer satisfaction with service provided is adversely affected, or the arrangement no longer meets the organization's needs. Supervisors must document the disapproval of a CFWP participation request and provide specific reasons for the action.

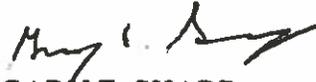
a. A Wellness Program Agreement may be terminated by either management or by the employee. The employee or management official may cancel or modify the Wellness Program Agreement normally with prior notification of 10 days. Agreements may be terminated or modified with less than 10 days' notice for reasons related to non-compliance with CFWP policy directives or required procedures, eligibility disqualifiers, or when warranted by the circumstances.

b. Employees may dispute the disapproval of a Wellness Program Agreement, the reasons for denial, and the termination of an existing Wellness Program Agreement through the administrative grievance procedures. Alternatively, bargaining unit employees may file a grievance through the negotiated grievance procedures, if applicable.

8. Records Management. Records created as a result of this instruction, regardless of media and format, must be managed per reference (e).

9. Review and Effective Date. Per reference (f), Code 66 will review this instruction annually on the anniversary of its effective date to ensure applicability, currency, and consistency with Federal, Department of Defense, SECNAV, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. As the instruction nears its 5-year anniversary and it is still required, it will be reissued. Otherwise, if it is no longer required, it will be processed for cancellation as soon as the cancellation is known following the guidance in E.O. 13526.

10. Forms or Information Management Control. The Wellness Program agreement and Wellness Pay Period log sheet are below as enclosures (1) and (2). Per this instruction, these forms must be maintained by the participating employee and supervisor for the duration of the employee's participation in the program.


GARY E. SHARP
Assistant Judge Advocate General
(Operations and Management)

Releasability and distribution:

This instruction is cleared for public release and is available electronically only via the Judge Advocate General's web site: <http://www.jag.navy.mil>

WELLNESS PROGRAM AGREEMENT

1. I understand that the OJAG/NLSC Civilian Fitness and Wellness Program (CFWP) is strictly voluntary. I also understand that this program uses official work time to allow participation in a command sponsored wellness program, and that this program is in effect only from 1 September through 30 November and offered annually, but participation during one calendar year (i.e. 1 September to 31 November 19) does not automatically determine inclusion for the following year (i.e. 1 September to 31 November 20). As such, the rules concerning my participation include the following:

a. Participation in the CFWP allows me a maximum of 59 minutes of excused absence per day, no more than three regularly scheduled work days per week, to engage in CFWP activities.

b. The 59-minute maximum will not be extended to allow additional time for associated activities such as travel, changing clothes or showering.

c. My supervisor may approve or deny my participation at any time due to business or mission reasons or reasons related to my conduct and/or performance.

2. I plan to participate in the following wellness activities:

Organized fitness activities conducted by MWR or by the command, to include but not limited to, walking and jogging programs, aerobics, and aquatics,

Individual exercise program

MWR Fitness Assessments

Presentations on health and fitness topics

Nutrition or weight management programs

Tobacco or other substance cessation clinics.

3. Any changes to the agreed plan need to be documented with a new Wellness Program Agreement and approved by my supervisor prior to execution.

Employee's signature/date: _____

Supervisor's signature/date: _____

WELLNESS PROGRAM PAY PERIOD LOG SHEET

Employee Name: _____

Pay Period Ending (PPE): _____

	Plan Activity	Plan Time Out	Plan Time In	Actual Activity	Actual Time out	Actual Time in
Week						
1						
SUN*						
MON						
TUE						
WED						
THURS						
FRI						
SAT*						
Week						
2						
SUN*						
MON						
TUE						
WED						
THURS						
FRI						
SAT*						

*Weekends not required, but available for planning and execution.

*Changes to the agreed plan need to be addressed and approved by my supervisor prior to execution.

Employee's signature/date: _____

Supervisor's signature/date: _____