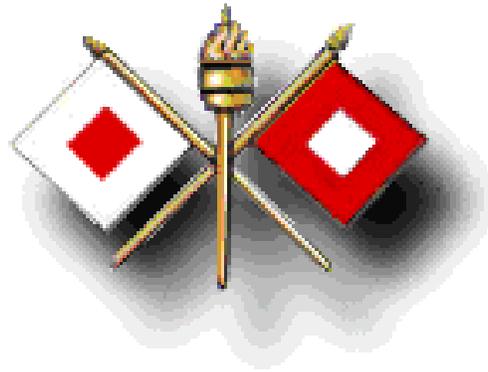


Leaders' Handbook



Office of the Inspector General
USASC& Fort Gordon
October 2002



PREFACE

“The day soldiers stop bringing you their problems is the day you have stopped leading them. They have either lost confidence that you can help them or concluded that you do not care. Either case is a failure of leadership.” – General Colin Powell

This handbook can be used as an effective and informative tool to assist USASC&FG leaders concerning day-to-day soldier issues.

When using this handbook, keep in mind that it does not supersede or replace any Army regulation. As of the publication date, the information in this handbook is current. However, regulations are subject to change. Before taking any final actions, leaders must refer to the appropriate regulation.

Provide any comments regarding this handbook to washingp@gordon.army.mil.

The USASC&FG Inspector General Staff
October 2002

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Publication References can be found at <http://www.usapa.army.mil/>

Absent Without Leave (AWOL)



References:

a. AR 630-10, Absent Without Leave, Desertion, and Administration of Personnel Involved in Civilian Court Proceedings, 31 August 2001.

b. AR 600-8-6, Personnel Accounting and Strength Reporting, 24 September 1998.

c. DA PAM 600-8, Management And Administrative Procedures, 1 August 1986.

SME: SJA; Chief, Personnel Strength Management Branch;

Department of the Army Policy.

a. **AWOL.** The following administrative actions are required by the unit commander when a soldier is reported AWOL. (AR 630-10, paragraph 2-2).

(1) Report the soldier absent and conduct an immediate inquiry to determine the soldier's location and possible reason for absence.

(2) Record the results of the inquiry on DA Form 4187 to change soldier's current duty status to AWOL.

(3) Notify the Provost Marshal within 24 hours of the soldier's absence.

(4) Notify the Next of Kin (NOK) of the soldier by letter, mailed on the 10th day of AWOL, or when the absentee has sought political asylum or is voluntarily residing in a foreign country. (See sample letter, AR 630-10, Figure 2-1).

(5) Inventory and disposition of personal military clothing and privately owned property will be accomplished as prescribed in accordance with AR 700-84, paragraphs 12-12 and 12-13, and DA Pam 600-8.

b. **Dropped from Rolls (DFR).** The following administrative actions are required by the unit commander when a soldier is Dropped From the Rolls (DFR) in deserter status:

(1) Using DA Form 4187, report the soldier's change of duty status from AWOL to DFR--

(a) When the soldier has been AWOL for 30 consecutive days, or

(b) The soldier has returned to military control and departs absent prior to completion of any administrative or judicial action for a previous absence, or

(c) The soldier escaped from confinement, or

(d) The soldier is a special category absentee.

(2) Complete DD Form 553, Deserter/Absentee Wanted By The Armed Forces. The suspected reasons for the absence and information on pending investigations, Article 15s, or UCMJ actions at the time of the soldier's absence is recorded in item 19. Send the completed DD Form 553 to the supporting Provost Marshal.

(3) Forward the original copy of the deserter packet through the supporting Personnel Service Center (PSC) to the Commander, Fort Knox Personnel Control Center, ATTN: ATZK-PMF-DIP, Fort Knox, Kentucky 40121.



Administrative Separations



Reference: AR 635-200, Enlisted Personnel, 1 November 2000.

SME: Staff Judge Advocate.

Department of the Army Policy.

a. There is a substantial investment in the training of persons enlisted or inducted into the Army. Commanders will ensure that adequate counseling and rehabilitative measures have been taken before initiating action to separate a soldier for one of the following reasons:

(1) Involuntary separation due to parenthood. (AR 635-200, Para 5-8).

(2) Personality disorder. (AR 635-200, Para 5-13).

(3) Other designated physical or mental conditions. (AR 635-200, Para 5-17).

(3) Entry level performance and conduct. (AR 635-200, Chapter 11).

(4) Unsatisfactory performance. (AR 635-200, Chapter 13).

(5) Minor disciplinary infractions or a pattern of misconduct. (AR 635-200, Para 14-12a and b).

(6) Failure to meet body fat standards. (AR 635-200, Chapter 18).

b. When a soldier's conduct or performance becomes unacceptable, the commander will ensure that a responsible official formally notifies the soldier of his/her deficiencies. At least one formal counseling session is required before separation proceedings may be initiated for one or more of the reasons specified in paragraph a above.

c. This counseling will be comprehensive and IAW AR 635-200, Chapter 17 and will include at least the following:

(1) Reason for counseling.

(2) Warning that separation action may be initiated if the behavior continues.

(3) The type of discharge that could result from the possible separation action and the effect of each type.

d. Each counseling session required by this paragraph **must** be recorded in writing using DA Form 4856, General Counseling Form.

e. Except as provided in AR 635-200, paragraph 1-16d, the following rehabilitative measures are required prior to initiating separation proceedings for entry-level performance and conduct (Chapter 11), unsatisfactory performance (Chapter 13), or minor disciplinary infractions/patterns of misconduct (Chapter 14):

(1) Trainees. Soldiers undergoing initial entry or other training will be recycled (reassigned between training companies or, where this is not feasible, between training platoons) at least once.

(2) Other than trainees. Soldiers not in training status will be locally reassigned at least once, with a minimum of three months of duty in each unit. Reassignment should be between battalion-sized units or between brigade-sized or larger units when considered necessary by the local commander.

(3) PCS. PCS funds normally will not be used for rehabilitative transfers. However, in meritorious cases where it is determined that a soldier with potential to be a distinct asset to the Army would benefit from a change in commander, associates, and living or working conditions, the commander exercising general court-martial jurisdiction may authorize PCS transfer within the same command.

General Information. There are 13 different administrative separations (4 through 16). Each has its own set of rules and procedures. For example, in separations involving misconduct (Chapter 14) or unsatisfactory performance (Chapter 13), you must provide a rehabilitative transfer unless waived by the separation authority. Some chapter actions require the use the notification procedure in AR 635-200,

Chapter 2. **This explains the soldier's rights in the proceedings and is part of the due process procedure. A commander's failure to administer chapter actions according to regulation can result in the action being overturned on legal review or appeal.**

Commander Responsibilities.

a. Become thoroughly familiar with the regulations governing the types of separation action desired.

b. Consult with your servicing SJA and Adjutant before initiating any separation action.

c. Ensure that reasonable efforts towards rehabilitation have been exhausted before initiating separation proceedings.

d. Ensure that adequate counseling has been accomplished in writing.

Army Board for Correction of Military Records (ABCMR)



Reference:

AR 15-185, Army Board for Correction of Military Records, February 2000.

SME: Staff Judge Advocate.

ABCMR Functions:

a. The ABCMR considers individual applications that are properly brought before it. In appropriate cases, it directs or recommends correction of military records to remove an error injustice.

b. When an applicant has suffered reprisal under the Military Whistleblower Protection Act (Section 1034, Title 10, of the U.S. Code 10 U.S.C. 1034) and Department of Defense Directive 7050.6, the ABCMR may recommend to the Secretary of the Army

that disciplinary or administrative action be taken against any Army official who committed an act of reprisal against the applicant.

c. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions.

Who May Apply:

a. The ABCMR's jurisdiction under 10 U.S.C. 1552 extends to any military record of the DA. It is the nature of the record and the status of the applicant that define the ABCMR's jurisdiction.

b. Persons eligible to apply for corrections are Active Duty soldiers and former members of the Regular Army, U.S. Army Reserve, and in certain cases, the Army National Guard and other military and civilian individuals affected by an Army military record. Requests are personal to the applicant and relate to military records. Requests are submitted on DD Form 149. Soldiers do not need to submit applications through their chain of command.

c. An applicant with a proper interest may request correction of another person's military records when that

person is incapable of acting on his or her own behalf, missing, or deceased.

Time Limits: Applicants must file an application within 3 years after an alleged error or injustice is discovered or reasonably should have been discovered. Application forms can be obtained from <http://arba.army.pentagon.mil/abcmr.htm> or by sending a request to: Army Review Boards Agency, 1941 Jefferson Davis Highway Crystal Mall, 4 STE 211, ATTN: Client Information and Quality Assurance, Arlington, Virginia 22202.

EXAMPLE: *You believe the characterization of your military discharge is unjust or improper.*

Question: Can the ABCMR change your discharge?

Answer: Yes, the ABCMR may review any discharge and give a proper discharge in its place. However, the ABCMR does not return soldiers to active duty.

Question: Can I receive compensation (damages) from the ABCMR based on a substantiated injustice I suffered?

Answer: No. Monetary settlement occurs only as a result of correcting the military record. Claims against the Government must be presented through the appropriate Federal civil court system.

Question: I have a mandatory separation date approaching. Can the ABCMR suspend this action while my application is under review?

Answer: No. While every effort will be made to process an application involving a retirement/separation, the fact that an application has been submitted does not provide a basis to suspend the action. However, it is your responsibility to ensure the ABCMR is aware of a pending retirement/separation date.



Army Substance Abuse Program (ASAP)



Reference: AR 600-85, Army Substance Abuse Program, 1 October 2001.

SME: ASAP Program Administrator.

Department of the Army Policy.

a. All soldiers, to include ARNG and USAR soldiers ordered to AD, under Title 10 U.S. Code, who are identified as drug abusers, without exception, will—

(1) Be referred to the ASAP counseling center for screening.

(2) Be considered for disciplinary action under the UCMJ, as appropriate.

(3) Be processed for administrative separation IAW AR 600-

8-24 (for officers and warrant officers) and AR 635-200, Chapter 14 (for enlisted personnel) with the exception of self-referrals (AR 600-85, para 6-3e).

b. Discharge for misconduct will be initiated and processed to the separation authority for all soldiers involved in illegal trafficking, distribution, possession, use, or sale of illegal drugs.

Commander's Responsibilities:

a. Appoint an officer or noncommissioned officer (E-5 or above) on orders as the unit prevention leader (UPL) who must be certified through required UPL training addressed in AR 600-85, paragraph 2-6h(1). Recommend a national background check be accomplished on all UPL candidates.

b. Implement a unit biochemical-testing program IAW AR 600-85, Chapter 8.

c. Implement ASAP prevention and education initiatives addressed in AR 600-85, paragraph 2-6. All soldiers will receive a minimum of four hours of alcohol and other drug awareness training per year.

d. Ensure all newly assigned soldiers are briefed on ASAP policies and services.

e. Maintain liaison with ASAP clinical and non-clinical personnel.

f. Immediately report all offenses involving illegal possession, use, sale, or trafficking in drugs or drug paraphernalia to the Provost Marshal for investigation or referral to the USACIDC. This includes all (random/command-directed) positive tests that do not require a medical review as directed by USAMEDCOM.

g. The unit commander will refer individuals suspected or identified as alcohol and/or other drug abusers, including those identified through urinalysis (except those determined legitimate medical use by the medical review officer (MRO) and/or blood alcohol tests, to the ASAP counseling center for screening. Soldiers impaired by alcohol, as described in AR 600-85, para 1-34b, will be referred to the ASAP counseling center for the initial screening interview. Soldiers who are referred by the unit commander for an initial interview, regardless of the means of identification, will be referred using a DA Form 8003 (Alcohol and Drug Abuse Prevention and Control Program Enrollment), contained in AR 40-66 that the commander must sign.

h. The Unit Commander's Guide to the ASAP is contained in Appendix B, AR 600-85.

Example: A specialist's job performance is well below par and he/she used to be an excellent soldier. Co-workers say this specialist is smoking marijuana frequently.

Question: I have a soldier in my unit I suspect of drug use. Do I have any other recourse of action other than to conduct a unit urinalysis?

Answer: Yes. IAW AR 600-85, paragraph 3-7, when commanders suspect drug use by a soldier due to observation, suspicion, or a negative change in job performance, social conduct, interpersonal relations, physical fitness or health they will:

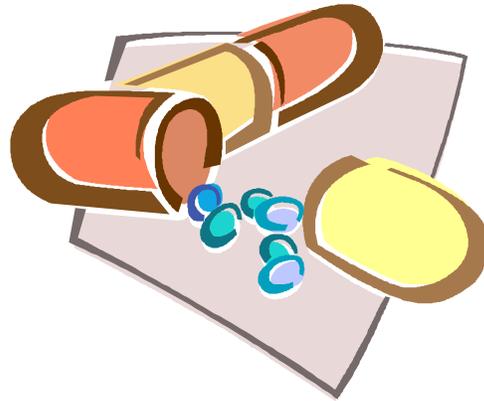
(1) Coordinate with law enforcement about whether the commander or designated representative or law enforcement should conduct the initial interview of the alcohol or drug abuse.

(2) When the unit commander believes the Limited Use Policy applies, the unit commander should consult with the Alcohol Drug Control Officer (ADCO) and supporting legal advisor. The unit commander may then explain the Limited Use Policy, if applicable to the particular circumstances.

(3) If law enforcement does not initiate an investigation, advise soldiers of their rights under Article 31, UCMJ using a DA Form 3881 (Rights Warning Procedure/Waiver Certificate). If the soldier elects to remain silent or to request a lawyer, there can be no further questioning or interviewing and this procedure must terminate. The commander will then refer the soldier to the ASAP counseling center.

(4) If law enforcement does not initiate an investigation, interview soldiers and inform them of the evidence.

(5) If law enforcement does not initiate an investigation, collect any illegal drugs or drug paraphernalia that the soldier voluntarily relinquishes and turn these items over to the local Provost Marshall IAW AR 190-22.



Example: A commander realizes that he is required to conduct urinalysis testing on 100 percent of his unit's assigned personnel in a fiscal year. DOD 1010.1, paragraph D.2.b. states that the minimum rate of urinalysis testing be one random sample per active duty member each year. However, he is unsure how to conduct urinalysis testing within his unit to discourage illegal drug use and to not tip off soldiers.

Question: How should I conduct urinalysis testing to deter illegal drug use and not tip off soldiers while meeting the DOD 1010.1 requirement?

Answer: Utilize discretionary smart testing. A good urinalysis testing practice is to test about 10 percent of the unit's strength monthly and conduct a 100 percent urinalysis once per year. Monthly testing is a good deterrent and 100 percent urinalysis testing once per year ensures the DOD 1010.1 requirement is met.

Awards



References:

- a. AR 600-8-22, Military Awards, February 1995.
- b. AR 600-8-2, Suspension of Favorable Personnel Actions (Flags).
- c. AR 600-8-104, Military Personnel Information Management/Records.

Department Of The Army Policy.

- a. It is the responsibility of any individual having personal knowledge of an act, achievement, or service believed to warrant the award of a decoration, to submit a formal recommendation into military command channels for consideration. A soldier may not recommend himself/herself for award of a decoration.
- b. Each recommendation must be entered administratively into military channels within 2 years of the act,

achievement, or service to be honored, except as indicated in AR 600-8-22, paragraphs 1-14a, b, c, d, or e.

c. A medal will not be awarded or presented to any individual whose entire service subsequent to the time of the distinguished act, achievement, or service has not been honorable. (AR 600-8-22, paragraph 1-16)

d. Soldiers under suspension of favorable personnel actions (Flags) are not eligible to receive an award during the period of the suspension. **However, as an exception, a soldier who is flagged for overweight may be recommended for and presented an award based on valor, heroism, or for length of service retirement.**

General Information.

- a. Once an award recommendation is submitted, it must be forwarded to the approval/disapproval authority. The chain of command can only recommend approval/disapproval and **must** forward the recommendation to the approval/disapproval authority. The chain of command cannot refuse to process an award recommendation or throw it out for any reason.
- b. If the award recommendation, DA Form 638-1 (Recommendation for Award (For Other Than Valor)) of Army Achievement Medal (AAM), Army

Commendation Medal (ARCOM), and Meritorious Service Medal (MSM), is disapproved, the original DA Form 638-1 must be sent for filing in the soldiers Official Military Personnel File (OMPF). If the award is downgraded, a copy of the DA Form 638-1 must be sent for filing in the soldiers OMPF.

c. Recommendations for awards must be based on specific achievements.

d. Awards for meritorious achievement or service will not be based upon the grade of the intended recipient. The predominant factor will be the degree to which an individual's achievement or service enhanced the readiness or effectiveness of his or her organization.

e. No individual is automatically entitled to an award upon departure from an assignment. Consideration should also be given to certificates, coins, or other signs of gratitude when a military award is not appropriate.

f. No preconditions for an award may be established nor will they be used as prizes in contests.

g. Limiting awards to a specific number per unit (quotas) is not authorized.



Bar to Reenlistment



References:

- a. AR 601-280, Total Army Retention Program, 31 March 1999.
- b. AR 600-8-2, Suspension of Favorable Personnel Actions (Flags), 30 October 1987.
- c. AR 635-200, Enlisted Personnel, 1 November 2000.

SME: Staff Judge Advocate.

Department of the Army Policy.

a. Only soldiers of high moral character, personal competence, and demonstrated adaptability to military requirements will be allowed to re-enlist in the Regular Army. Soldiers should be treated under the “whole person” concept. Soldiers who cannot or do

not measure up to standards, but whose separation under proper administrative procedures is not warranted at the present time, will be barred from further service.

b. The bar to reenlistment is not a punitive action but is designed for use as a rehabilitative tool. Imposition of a bar to reenlistment does not preclude administrative separation at a later date. The bar to reenlistment should be initiated prior to a separation or judicial/nonjudicial action because it is intended to put the soldier on notice.

General Information.

a. Soldiers may be barred for numerous reasons. AR 601-280, provides a listing of some infractions or reasons to do so, but is not all-inclusive.

b. Waivers. Soldiers who do not qualify for reenlistment, extension, or promotion to SGT/SSG may submit a request for a waiver. Normally, requests for waivers will be submitted only for meritorious cases. Submission of requests for waivers is detailed in AR 601-280.

c. Qualitative Management Program (QMP). Bars to reenlistment that result from the QMP are discussed in detail in AR 601-280.

d. Procedures. Bar to reenlistment procedures and the appeal and removal

process are detailed in AR 601-280, Chapter 8.

Commander Responsibilities.

a. Commanders must be especially alert to the need to evaluate the advisability and desirability of affording continued military service to soldiers of the following, or similar, caliber:

(1) Untrainable soldiers. These soldiers will be identified as soon as possible with a view toward eliminating them from the service. When discharge under administrative procedures is not warranted, action will be taken under AR 601-280 to bar the soldier from further service with the Active Army.

(2) Unsuitable soldiers. When possible, these soldiers will be identified early in their military service with a view toward elimination from the service. When administrative discharge is not warranted, action will be taken under this chapter to bar the soldier from further service with the Active Army.

(3) Single soldiers/in-service couples with dependent family members. (AR 601-280).

b. Commanders will initiate a bar to reenlistment or discharge proceedings (per AR 635-200) against soldiers who--

(1) Are enrolled in the Weight Control Program and do not make satisfactory progress after a six-month period and have no medical reason to cause the condition.

(2) Fail **two** consecutive APFTs. A soldier may be barred after a one-time failure.

(3) Are removed for cause from NCOES courses.

c. Review (evaluate) bars to reenlistment. Once approved, commanders will review bars at least once each 3 months after the date of approval and 30 days before the soldier's scheduled departure from the unit or removal from the service. (See DA PAM 600-8).

(1) Upon review, if the commander feels the bar should remain in effect, he or she will inform the custodian of the soldier's personnel records who will enter the remarks, "Bar to Reenlistment received; not recommended for removal (date)" on soldier's DA Form 2-1.

(2) Counsel the soldier, using DA Form 4856 (General Counseling Form), and inform him or her that the bar will remain in effect unless recommended for removal.

(3) Inform the soldier that he or she may request voluntary discharge per AR 635-200, paragraph 16-4. Inform the soldier that discharge proceedings will be started if the bar is not removed upon completion of the second 3-month review unless a recommendation for removal is submitted and approved by proper authority.

(4) The soldier should be considered for discharge anytime removal of the bar is not recommended. If the soldier does not demonstrate progress, the commander should consider discharge without waiting for the next review to occur.

d. Separation. Unless a recommendation for removal is submitted, commanders will start discharge action upon completion of the second three-month review (AR 601-280 provides further guidance).

Corrective Training



References: AR 600-20, Army Command Policy, 15 July 1999.

SME: Command Sergeants Major.

Department of the Army Policy.

a. Military discipline is founded upon self-discipline, respect for properly constituted authority, and the embracing of the professional Army ethic with its supporting individual values. It will be developed by individual and group training to create a mental attitude resulting in proper conduct and prompt obedience to lawful military authority. Military authority is exercised with promptness, firmness, courtesy, and justice.

b. One of the most effective nonpunitive, corrective measures is extra training or instruction (including on-the-spot correction).

Example: If soldiers appear in an improper uniform, they are required to correct it immediately; if they do not maintain the housing area properly, they must correct the deficiency in a timely manner. If soldiers have training deficiencies, they will be required to take extra training or instruction in subjects directly related to the shortcoming.

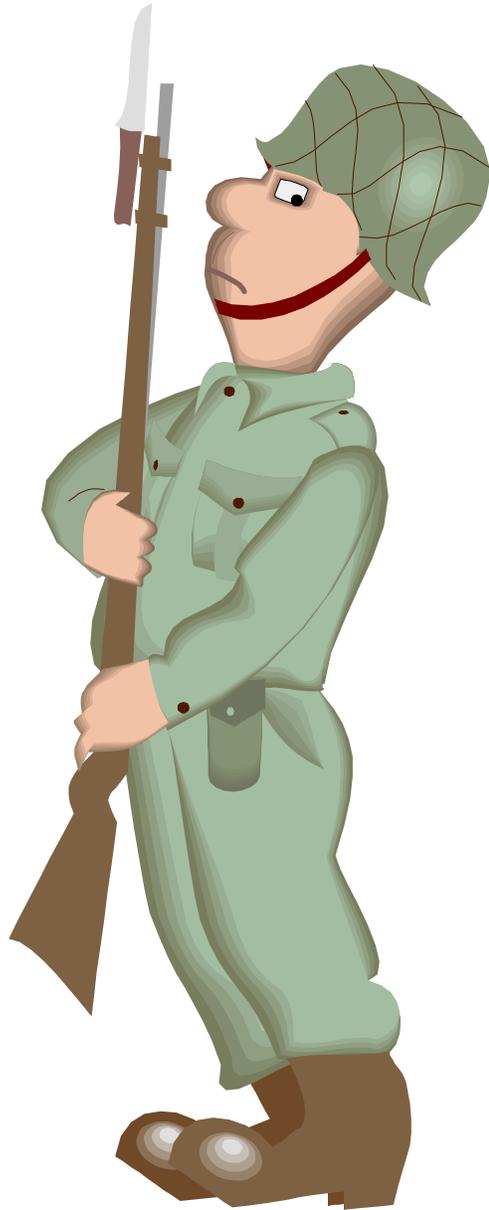
(1) The training, instructions, or correction given to a soldier to correct deficiencies must be **directly related** to the deficiency. It must be oriented to improving the soldier's performance in his/her problem area. Corrective measures may be taken after normal duty hours. Such measures assume the nature of training or instruction, not punishment. Corrective training should continue only until the training deficiency is overcome. Authority to use corrective training is part of the inherent powers of command.

Care should be taken at all levels of command to ensure that training and instruction are not used in an oppressive manner to evade the procedural safeguards applying to imposing nonjudicial punishment. Deficiencies satisfactorily corrected by means of training and instruction will not be noted in the official records of the soldiers concerned.

Example: Having the soldier conduct a police call after duty hours in a defined area for throwing trash on the grass.

Commander Responsibilities.

- a. Ensure that training and instruction are not used in an oppressive manner.
- b. Written counseling and nonjudicial punishment under Article 15, UCMJ, will be used for soldiers who fail to respond to proper corrective training for repeated minor deficiencies.
- c. Ensure that deficiencies satisfactorily corrected by means of training and instruction will not be noted in the official records of the soldiers concerned.



Counseling



References:

- a. AR 600-8-19, Enlisted Promotions and Reductions, 13 September 2002.
- b. AR 600-9, The Army Weight Control Program, 10 June 1987.
- c. AR 600-20, Army Command Policy, 15 July 1999.
- d. AR 623-105, Officer Evaluation Reporting System, 1 April 1998.
- e. AR 623-205, Enlisted Evaluation Reporting System, 15 May 2002.
- f. AR 635-200, Enlisted Personnel, 1 November 2000.
- g. FM 22-100, Army Leadership Be, Know, and Do, 31 August 1999.
- h. TRADOC Reg 350-6, Initial Entry Training (IET), Policies and Administration, 3 July 2001.

j. USASC&FG Reg 350-8, Dismissal of Officer, Warrant Officer, and Enlisted Students.

SME: Staff Judge Advocate.

Department of the Army Policy.

a. Commanders must ensure that soldiers clearly understand the counseling process.

b. Provide a written record of a soldier's performance. This record is used to support personnel actions such as promotions, awards, schools, OER/NCOERs, administrative and disciplinary actions (This list is not all inclusive).

General Information.

a. Commanders will ensure that all members of their command receive timely performance counselings. General counseling affords the soldier the opportunity to improve based on specific guidance and/or noted deficiencies.

b. General counseling provides a written record that protects the integrity of the chain of command. It also protects the basic right of soldiers to clearly understand a supervisor's perception of their performance.

c. Providing regular and effective performance counseling to all soldiers, not just those whose performance fails to meet

unit standards, is a command responsibility. All commanders will ensure that their subordinate leaders have implemented and are maintaining an effective performance-counseling program.

Developmental Counseling Form. The Developmental Counseling Form (DA Form 4856-E) is designed to help Army leaders conduct and record counseling sessions (See FM 22-100 Appendix C, for examples of counselings). Leaders must decide when counseling, additional training, rehabilitation, reassignment, or other developmental options have been exhausted.

Types of Developmental Counseling. You can often categorize developmental counseling based on the topic of the session. The two major categories of counseling are event-oriented and performance/professional growth.

a. **Event-oriented counseling.** Event-oriented counseling involves a specific event or situation. It may precede events, such as going to a promotion board or attending a school; or it may follow events, such as a noteworthy duty performance, a problem with performance or mission accomplishment, or a personal problem. Examples of event-oriented counseling include, but are not limited to—

(1) *Specific instances of superior or substandard performance.* Sometimes counseling is tied to specific instances of superior or substandard duty performance. You must tell your subordinate whether or not the performance met the standard and what the subordinate did right or wrong. The key to successful counseling for specific performance is to conduct it as close to the event as possible.

(a) You should counsel subordinates for specific examples of superior as well as substandard duty performance. Measure your own performance and counseling emphasis by noting how often you document counseling for superior versus substandard performance.

(b) When counseling a subordinate for a specific negative performance, take the following actions:

- Tell the purpose of the counseling, what is expected, and how the subordinate failed to meet the standard
- Address the specific unacceptable behavior or action, not the person's character
- Tell the subordinate how his behavior affects the behavior, action, or performance on the rest of the organization
- Actively listen to the subordinate's response
- Remain unemotional
- Teach the subordinate how to meet the standard.
- Be prepared to do some personal counseling, since a failure to meet the standard may be related to or the result of an unresolved personal problem.
- Explain to the subordinate what will be done to improve performance. Identify your responsibilities in implementing the plan of action; continue to assess and follow up on the subordinate's progress. Adjust the plan of action as necessary.

(2) *Reception and Integration Counseling.* As a leader, you must counsel new team members when they arrive at your organization. This reception and integration counseling serves two purposes: (1) it identifies and help fix any problems or concerns that new members may have, and (2) it clarifies job titles and sends the message that the chain of command cares. Reception and integration counseling should begin immediately upon arrival so new team members can quickly become integrated into the organization. Some possible discussion points are as follows:

- Organizational standards.
- Chain of command
- NCO/Officer support channel (who and how used).
- On-and-off duty conduct.
- Personnel/personal affairs/initial clothing issue.
- Organizational history, organization, and mission.
- Soldier programs within the organization (i.e., soldier of the month/quarter/year, SGT Audie Murphy/Morales boards).
- Off limits and danger areas.
- Functions and locations of support activities
- On- and off-post recreational, educational, cultural, and historical opportunities.
- Foreign nation or host nation orientation.

(3) *Crisis Counseling.* You may conduct crisis counseling to get a subordinate through the initial shock after receiving negative news, such as notification of the death of a loved one. You may assist the subordinate by listening and, as appropriate, providing assistance. Assistance may include referring the subordinate to a support activity or coordinating external agency support. Crisis counseling focuses on the subordinate's immediate, short-term needs.

(4) *Referral Counseling.* Referral counseling helps subordinates work through a personal situation and may or may not follow crisis counseling. Referral counseling may also act as preventative counseling before the situation becomes a problem. Usually, the leader assists the subordinate in identifying the problem and refers the subordinate to the appropriate resource, such as Army Community Services, a chaplain, or an alcohol and drug counselor.

(5) *Promotion Counseling.* Leaders must conduct promotion counseling for all specialists and sergeants who are eligible for advancement without waivers but not recommended for promotion to the next

higher grade. Army regulations require that soldiers within this category receive initial (event-oriented) counseling when they attain full eligibility and then periodic (performance/personal growth) counseling thereafter.

(6) *Adverse Separation Counseling.*

(a) Adverse separation counseling may involve informing the soldier of the administrative actions available to the commander in the event substandard performance continues and of the consequences associated with those administrative actions (see AR 635-200).

(b) Developmental counseling may not apply when an individual has engaged in more serious acts of misconduct. In those situations, you should refer the matter to the commander and the servicing SJA. When the leader's rehabilitative efforts fail, counseling with a view towards separation fills an administrative prerequisite to many administrative discharges and serves as a final warning to the soldier to improve performance or face discharge. In many situations, it may be beneficial to involve the chain of command as soon as you determine that adverse separation counseling might be required. A unit first sergeant or commander should be the person who informs the soldier of the notification requirements outlined in AR 635-200.

b. **Performance Counseling.**

(1) During performance counseling, you conduct a review of a subordinate's duty performance during a certain period. You and the subordinate jointly establish performance objectives and standards for the next period. Rather than dwelling on the past, you should focus the session on the

subordinate's strengths, areas needing improvement, and potential.

(2) Performance counseling is required under the officer, NCO, and DA civilian evaluation reporting systems. The OER process requires periodic performance counseling as part of the OER Support Form requirements. Mandatory, face-to-face performance counseling between the rater and the rated NCO is required under the NCOERS. TAPES include a combination of both of these requirements.

(3) Counseling at the beginning of and during the evaluation period facilitates a subordinate's involvement in the evaluation process. Performance counseling communicates standards and is an opportunity for leaders to establish and clarify the expected values, attributes, skills, and actions. Part IVb (Leader Attributes/Skills/Actions) of the OER Support Form (DA Form 67-9-1) serves as an excellent tool for leaders doing performance counseling. For lieutenants and warrant officers one, the major performance objectives on the OER Support Form are used as the basis for determining the developmental tasks on the Junior Officer Developmental Support Form (DA Form 67-9-1a). Quarterly face-to-face performance and developmental counseling is required for these junior officers as outlined in AR 623-105.

(4) As an Army leader, you must ensure you have tied your expectations to performance objectives and appropriate standards. You must establish standards that your subordinates can work towards and must teach them how to achieve the standards if they are to develop.

c. Professional Growth Counseling.

(1) Professional growth counseling includes planning for the accomplishment of individual and professional goals. You conduct this counseling to assist subordinates in achieving organizational and individual goals. During the counseling, you and your subordinate conduct a review to identify and discuss the subordinate's strengths and weaknesses and create a plan of action to build upon strengths and overcome weaknesses. This counseling is not normally event-driven.

(2) As part of professional growth counseling, you may choose to discuss and develop a "pathway to success" with the subordinate. This future-oriented counseling establishes short- and long-term goals and objectives. The discussion may include opportunities for civilian or military schooling, future duty assignments, special programs, and reenlistment options. Every person's needs are different, and leaders must apply specific courses of action tailored to each individual.

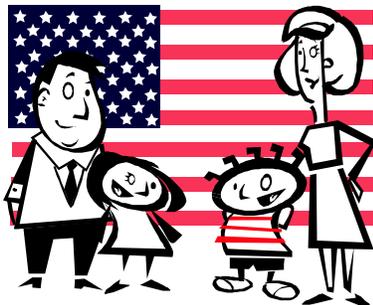
(3) Career field counseling is required for lieutenants and captains before they are considered for promotion to major. Raters and senior raters, in conjunction with the rated officer, need to determine where the officer's skills best fit the needs of the Army. During career field counseling, consideration must be given to the rated officer's preference and his abilities (both performance and academic). The rater and senior rater should discuss career field designation with the officer prior to making a recommendation on the rated officer's OER.

(4) While these categories can help you organize and focus counseling sessions, they should not be viewed as separate, distinct, or exhaustive. For example, a counseling session that focuses on resolving

a problem may also address improving duty performance. A session focused on performance may also include a discussion on opportunities for professional growth. Regardless of the topic of the counseling session, leaders should follow the same basic format to prepare for and conduct it.



Family Advocacy Program (FAP)



Reference: AR 608-18, Family Advocacy Program, 1 September 1995.

SME: Family Advocacy Program Manager (FAPM).

Department of the Army Policy. DA's policy is to prevent spouse and child abuse; protect those who are victims of abuse, treat families affected by abuse, and to assure that there are personnel who are professionally trained to intervene in abuse cases. DA policy also recognizes a commander's authority to take disciplinary or administrative action in appropriate cases.

General Information.

a. The FAP is a commander's program located within Army Community Services (ACS). The Family Advocacy Program Manager (FAPM) is appointed on orders by the Installation Commander and coordinates the prevention, directs services, evaluation and training efforts of the FAP on the installation.

b. Each unit commander should ensure that he or she is briefed on the FAP within 45 days of assuming command. The FAPM is prepared to make individual or unit level presentations designed to educate leaders and soldiers in preventing spouse and child abuse.

c. Several programs are available through ACS, Child Development Services, and the Chaplain office. These include Community Education Programs (designed to increase knowledge and awareness throughout the community), Commander Education Programs, and Troop Education Programs.

d. When an incident of abuse is reported, the case manager or counselor will initiate and maintain communication with the commander. This will include: a written notification of the incident notifying the commander that a report has been made and is being investigated; written outline of the treatment plan and recommendations; reports on attendance and cooperation with the treatment plan; evaluation of the soldier's progress; and notification of the unit commander of any subsequent acts of abuse.

e. The unit commander is responsible for notifying the case manager of any pending disciplinary or administrative action, subsequent acts of abuse, and unit activities that impact on treatment.

f. When abuse constitutes a criminal offense as specified in AR 608-18, paragraph 3-18, the unit commander must investigate. Disposition can include no action at all, administrative measures, or trial by court-martial.

g. Commanders should consider the recommendations of the Family Advocacy Management Team (FACMT) when taking or recommending disciplinary or administrative actions against soldiers in spouse and child abuse cases which may be detrimental to a soldier's continued military career or future promotion opportunities, or the financial or social well-being of his or her family members. AR 608-18, paragraph 4-4, discusses actions available to a commander.

f. Investigate reported incidents of spouse and child abuse in accordance with AR 608-18, Chapter 3, Section IV.

g. Communicate with the case managers involved in a timely and comprehensive manner.



Commander Responsibilities.

a. Become thoroughly familiar with the process and responsibilities discussed in AR 608-18.

b. Establish proactive education programs in concert with the FAPM and chaplain to assist all unit personnel in preventing, identifying, reporting, and treating spouse and child abuse.

c. Become thoroughly familiar with the programs available from ACS and the FAP.

d. Coordinate with the SJA on applicable laws and regulations affecting current spouse and child cases. Seek SJA advice on disciplinary and administrative actions available in cases of spouse and child abuse.

e. Attend FACMT meetings when one of their soldiers is scheduled for presentation or review.

Family Care Plans



References:

- a. AR 600-20, Army Command Policy, 15 July 1999.
- b. AR 600-8-24, Officer Transfers and Discharges, 29 June 2002.

SME: Staff Judge Advocate.

Department of the Army Policy.

a. A Family Care Plan (FCP) is a way for the Army to assist soldiers in providing for the care of his/her dependent family member(s). Plans must be made to ensure dependent family members are properly and adequately cared for when the soldier is not available. The DA Form 5705-R is the means by which soldiers provide for the care of the family members when military duties prevent them from doing so otherwise.

b. FCPs must be made to ensure family members are properly and adequately cared for when the soldier is deployed, TDY, or otherwise not available due to military requirements. It is the primary

responsibility of the soldier to implement the FCP. It may be completed any time conditions warrant and family care is necessary due to the required absence of the soldier.

c. Soldiers must be able to perform their military duties without interference of family responsibilities. They must be available for duty when and where the needs of the Army dictate.

d. The DA Form 5305-R (Family Care Plan) is the means by which soldiers provide for the care of their family members when military duties prevent the soldier from doing so. It will include proof that guardians and escorts--

(1) Have been thoroughly briefed on the responsibilities they are assuming.

(2) Know how to access military and civilian facilities and services on behalf of the dependent family members.

(3) Agree to provide care and have been provided all necessary legal authority and means to do so.

e. Reserve component soldiers are subject to this regulation during periods of absence. Periods of absence include annual training, unit training assemblies, deployment and mobilization, or other types of active duty.

General Information. Soldiers must complete a FCP when any of the following apply:

a. Pregnant soldiers who--

(1) Are single, divorced, widowed, separated or reside without their spouse.

(2) Are married to another service member of an Active or Reserve component of any service (Army, Air Force, Navy, Marines or Coast Guard).

b. Soldiers who are single, divorced, widowed, or separated or reside without their spouse; and one of the following applies:

(1) Has joint or full legal and physical custody of one or more dependents under age 19, or

(2) Has adult dependent family member(s) incapable of self-care, regardless of age.

c. Soldiers who are divorced (not remarried) and who has liberal or extended visitation rights by court decree which would allow family members to be solely in the soldier's care in excess of 30 consecutive days.

d. Soldiers whose spouse is incapable of self-care or is otherwise physically, mentally, or emotionally disabled so as to require special care of assistance.

e. Soldiers categorized as half of a dual-military couple of the AA or RC of any service (Army, Air Force, Navy, Marines or Coast Guard) who has joint or full legal custody of one or more family members under age 19 or who has adult family members(s) incapable of self-care regardless of age.

f. Soldiers must arrange for the care of their family members so as to be—

(1) Available for duty when and where the needs of the Army dictate.

(2) Able to perform assigned military duties without interference of family responsibilities.

g. Enlisted soldiers will be counseled on voluntary and involuntary separation whenever parenthood interferes with military responsibilities under provision of—

(1) AR 635-200 for AA soldiers.

(2) AR 135-178 for USAR and ARNGUS soldiers.

(3) AR 135-91 for ARNG soldiers.

h. Officers will be counseled on voluntary and involuntary separations whenever parenthood interferes with military responsibilities under provision of—

(1) AR 600-8-24 for AA soldiers and USAR and ARNGUS officers serving on active duty or on active duty for training (ADT) for a period in excess of 90 days.

(2) AR 135-175 for ARNGUS and USAR soldiers, except for officers serving on active duty or on ADT for a period in excess of 90 days.

(3) NGR 635-101 for ARNG soldiers.

i. Pregnant soldiers (who meet the criteria established in AR 600-20, paragraph 5-5b(1)) will be counseled—

(1) In the AA, according to AR 600-8-24 for officers and AR 635-200 for enlisted soldiers.

(2) In the ARNG and USAR, according to AR 135-91.

(3) On costs of maternity care obtained from civilian sources and the limitations concerning maternity care in military medical facilities.

(4) Using DA Form 5304-R as soon as pregnancy is identified but not later than 90 days prior to the expected date of birth of the child. Pregnant soldiers should receive Family Care Plan counseling at the time of pregnancy counseling to ensure the soldier is informed of the responsibilities if she chooses to remain on active duty.

(5) That they must complete and have an approved DA Form 5305-R showing their intentions for family care not later than 60 days prior to the date of the birth of the child. DA Forms 5840-R and 5841-R or other guardianship documents, DD Form 1172, DD Form 2558 will be completed and DA Form 5305-R re-certified not later than 45 days following the date of the birth of the child.

Commander Responsibilities.

a. Conduct FCP counseling. This can be delegated to an authorize representative.

b. The unit commander is the sole approving authority for DA Form 5305-R. This responsibility will not be delegated.

c. The unit commander may authorize an additional 30 days (60 days total from the date of counseling) to all AA soldiers and 60 days (90 days total from the date of counseling) to all RC soldiers for

completion, including submission and final approval of DA Form 5305-R with attendant documents.

d. Commanders must ensure that all required documents are in order, and must be satisfied that the FCP meets the requirements and appears to be workable and durable.

e. The commander should disapprove the DA Form 5305-R if the required attachments are not present unless extenuating circumstances exist.

f. The commander may consider extenuating circumstances in approving DA Form 305-R, but must understand that the soldier is considered non-deployable until a FCP is validated and approved.

g. The commander must adequately test the validity and durability of the FCP, to include contacting the designated guardian(s) prior to final approval or re-certification.

h. The commander will provide the soldier 30 days from date of the first disapproval to submit additional documentation or evidence to support the FCP.

i. The commander will provide the soldier a reasonable period of time to attempt to rework a FCP found to be deficient at the time of mobilization, processing for overseas movement, or deployment. Ordinarily, a soldier will be afforded at least 30 days to correct efficiencies in a plan unless a shorter period is specified by the unit commander due to the urgency and/or nature of the deployment, or due to the nature of the deficiencies.

j. The commander may authorize leave for a deployed soldier to return home when the circumstances beyond the soldier's control preclude the designated guardian from exercising those responsibilities.

k. The commander should consider initiating a bar to reenlistment against soldier who fail to properly manage personal, marital, or family affairs, or who fail to provide or maintain adequate FCPs.

l. Commanders should consider initiating involuntary separation proceedings against soldier who fail to provide and maintain adequate FCPs.

m. Commander should take action to ensure he/she is aware of other situations, which may create changes in the status of his/her soldiers with regards to the soldier's responsibility to support family members.



FLAGS (Suspension of Favorable Personnel Actions)



Reference: AR 600-8-2, Suspension of Favorable Personnel Actions (Flags), 30 October 1987.

SME: Staff Judge Advocate.

Department of the Army Policy.

a. Flag actions guard against the accidental execution of favorable personnel actions for soldiers not in good standing and support the Army's personnel life-cycle function of sustainment.

b. Mandates submission of flags when an unfavorable action or investigation (formal or informal) is started against a soldier by military or civilian authorities.

c. Classifies flag action into two categories: non-transferable and transferable (AR 600-8-2, paragraph 1-11).

d. Prohibits the execution of the following personnel actions. Exceptions are listed in paragraph 1-15, AR 600-8-2.

(1) Appointment, re-appointment, re-enlistment, and extension.

(2) Entry on active duty (AD) or active duty for training (ADT).

(3) Reassignment.

(4) Promotion or reevaluation for promotion.

(5) Awards and decorations.

(6) Attendance at civil or military schooling.

(7) Unqualified resignation or discharge.

(8) Retirement.

(9) Advanced or excess leave.

(10) Payment of enlistment bonus (EB) or selective re-enlistment bonus (SRB).

(11) Assumption of Command.

(12) Family member travel to an overseas command (when sponsor is overseas).

(13) Command sponsorship of family members in an overseas command (when sponsor is overseas).

Commander's Responsibilities.

a. Commanders direct the flagging action when a soldier's status changes from

favorable to unfavorable. A flag action is to be removed when the soldier's status changes from unfavorable to favorable.

b. Initiate a separate flag for each investigation, incident or action.

c. Review active flag actions monthly.

d. Consult the security manager if determination is made to suspend access to classified information.

e. Ensure the rules for transferring and removing flags are being followed.

f. Ensure soldiers who fail the APFT or fail to meet height and weight requirements are flagged.

g. Ensure the soldier is informed of the flag action.

Initiate when:	Remove when:	Transferable
Soldier is under charges, restraint or investigation	Soldier is released without charges; charges are dropped, or punishment is complete	When action moves to the punishment phase
Soldier is pending court-martial	Punishment is completed, including term of suspension	When action moves to the punishment phase
Soldier is pending nonjudicial punishment	Punishment is completed, including term of suspension	When action moves to the punishment phase
Soldier is AWOL	Punishment is completed	When action moves to the punishment phase
Soldier is pending administrative reduction	Soldier is reduced	No
Soldier is pending letter of admonition, censure, or reprimand (not administered as part of nonjudicial punishment)	The letter is signed by the commander	No
Soldier fails to pass APFT or fails to take the APFT within the required period	The soldier passes the APFT or upon ETS	No
Soldier enters the Weight Control Program	The commander decides that the soldier is in compliance with the program	Yes

Geographical Bachelors (Unaccompanied Married Soldiers)



Reference: AR 210-50, Housing Management, 26 February 1999.

SME: Chief, Housing Division

Department of the Army Policy.

a. Assignment to Senior Officer Quarters (SOQ), Officer Quarters (OQ), Senior Enlisted Quarters (SEQ), and Enlisted Quarters (EQ) is determined by priority. SOQ, OQ, SEQ and EQ are also known as Unaccompanied Personnel Housing (UPH) and include barracks, dormitories, and transient UPH, and may include privately leased housing.

b. Priorities for assignment are based on personnel categories listed in AR 210-50, Table 3-4.

General Information.

a. Geographical bachelors are soldiers who, for personal reasons, reside apart from family members. These soldiers should not assume that the gaining unit or installation would billet them. Space availability is the critical factor.

b. Geographical bachelors receive priority IV for assignment to SOQ, OQ, SEQ, EQ. This applies to soldiers in CONUS, Hawaii, and Alaska entitled to Basic Allowance Housing (BAH) at the with dependent rate but not accompanied by family members for personal reasons.

c. Once provided quarters, soldiers must be advised they may be required to vacate housing for soldiers in higher priorities. Thirty days notice is normally given.

d. Soldiers must ensure they are financially capable of establishing a household in the event they are required to vacate UPH.

e. **Minimum standards of adequacy do not apply to residents in category IV.** Adequacy standards are detailed in AR 210-50, Table 4-2.

f. Soldiers assigned UPH in excess of minimum space standards may have their entitlement to BAQ affected. See AR 210-50, paragraph 3-30 for guidance.

Commander's Responsibility.

a. Assign billeting when requested to these personnel provided space is available.

b. Ensure soldiers are aware they may have to vacate housing for higher priority personnel.

Gifts



Reference: DOD Directive 5500.7-R, Joint Ethics Regulation.

SME: Staff Judge Advocate.

Department of Defense Policy.

a. Gifts to Superiors.

(1) Except as provided below, an employee **may not** directly or indirectly, give a gift to or make a donation toward a gift for an official superior; or

(2) Solicit a contribution from another employee for a gift to either his own or the other employees official superior.

b. Gifts from employees receiving less pay. An employee may not directly or indirectly, accept a gift from an employee receiving less pay than him unless: (1) The two employees are not in a subordinate-official superior relationship; and (2) There is a personal relationship between the two employees that would justify the gift.

c. Gifts from outside sources. An employee shall not solicit or accept a gift given because of his or her official position. Neither shall an employee solicit or accept a gift from a prohibited source.

General Information.

a. Gifts are almost anything of monetary value. Following are some exclusions:

(1) Coffee, doughnuts and similar items of food and refreshments when offered other than as part of a meal.

(2) Greeting cards and most plaques, certificates and trophies.

(3) Prizes in contests open to the public.

(4) Commercial discounts available to the general public or to all government or military personnel.

(5) Commercial loans, pensions and similar benefits.

(6) Gifts given during traditional occasions, birthdays and holidays, with a market value of \$10 or less per occasion.

(7) Items such as food and refreshments to be shared in the office among several employees.

(8) Personal hospitality provided at a residence, which is of a type and value customarily given on such occasions.

(9) Appropriate hostess gifts.

b. A prohibited source is any person (or organization more than half of whose members are persons) who:

(1) Seeks official action by an employee's agency.

(2) Does or seeks to do business with the employee's agency.

(3) Is regulated by the employee's agency.

(4) Is substantially affected by the employee's performance of duties.

c. Voluntary Contributions. An employee may solicit voluntary contributions from another employee for a group gift to the contributing employee's superior for any special, infrequent occasion in a nominal amount that shall not exceed \$10.

d. Regardless of the number of employees contributing to a gift or gift on a special, infrequent occasion, a DOD employee may not accept a gift or gifts from a donating group, that includes a subordinate, if the market value exceeds an aggregate of \$300 unless:

(1) The gift is appropriate for the occasion,

(2) The gift is given on a special, infrequent occasion that terminates the subordinate-official superior relationship, such as retirement, resignation, or transfer, and,

(3) The gift is uniquely linked to the departing employee's position or tour of duty and commemorates the same.

NOTE: It is strongly urged that, even in such a case where you are talking about a "uniquely linked" gift that commemorates the "tour of duty", \$300 limit will be used to judge whether it (the gift) is "appropriate for the occasion."

With respect to PCS ("transfer") gifts, there is still the requirement that the occasion "terminates the subordinate-official superior relationship." That means no "special occasion" gift if the employee being transferred remains in the chain of command, just at a higher level.

e. The cost of items excluded from the definition of a gift, and the cost of food, refreshments and entertainment provided to the employee and his personal guests to mark the occasion for which the gift is given shall not be included in determining whether the value of a gift or gifts exceeds the \$300 aggregate limit.

f. An employee may accept the following, otherwise prohibited gifts:

(1) Gifts clearly motivated by a family relationship or personal friendship.

(2) Commercial discounts and similar benefits offered to groups in which membership is not related to government employment or in which, if membership is related to government employment, the same offer is broadly available to the public through similar groups, and certain benefits offered by professional associations or by persons who are not prohibited sources.

(3) Gifts resulting from the outside business activities of employees and their spouses.

(4) Free attendance provided by the sponsor of a widely attended gathering of mutual interest to a number of parties where the necessary determination of an agency has been made.

(5) Certain food and entertainment in foreign areas.

Commander Responsibilities.

a. Become familiar with Standards of Conduct as specified in the Joint Ethics Regulation (JER), 5500.7 and 5500.7-R.

b. Ensure that all personnel are familiar with these provisions.



HIV Testing

Reference: AR 600-110, Identification, Surveillance, and Administration of Personnel Infected with Human Immunodeficiency Virus (HIV), 1 June 1996.

SME: Army Medical Clinic/Hospital; Staff Judge Advocate.

Department of the Army Policy. HQDA medical, manpower, and personnel policies on HIV reflect current knowledge of the natural progression of HIV infection, the risks to the infected individual incident to military service, the risk of transmission of the disease to non-infected personnel, the effect of the infected personnel on Army units, and the safety of military blood supplies.

a. Persons who are HIV positive are not eligible for appointment or enlistment into the Army, ARNG, or USAR.

b. Effective 1 January 1988, all soldiers are required to be tested for the presence of HIV antibodies at least every two years (biennially). HIV antibody testing will include a screening test of all personnel designated in AR 600-110 and a confirmatory test of those who test positive.

c. Except for those identified during the accession-testing program, soldiers who are HIV positive and demonstrate no evidence of progressive clinical illness or immunobiological deficiency will not be

involuntarily separated solely on the basis of having been confirmed HIV positive.

d. HIV positive active duty soldiers, including AGR, will be limited to duty within the Continental United States (CONUS). Assignment policies and procedures are discussed in AR 600-110, Chapter 4.

e. All information regarding HIV testing results will be handled in a manner to protect the individual's confidentiality while providing information consistent with medical and administrative requirements on a "need to know" basis. Information on testing requirements and procedures are discussed in AR 600-110, Chapter 2.

f. Commanders will formally counsel soldiers who test positive for the HIV antibody. This counseling will be conducted following the post-diagnosis preventive medicine counseling performed by medical department personnel. Commanders will use the DA Form 4856, General Counseling Form, and ensure that all topics are addressed (specific topics to be addressed are listed in Sections V, Chapter 2, AR 600-110). Commanders must ensure that completed counseling forms are maintained in a manner that protects the confidentiality of the information.

Commander's Responsibilities.

- a. Become familiar with the notification, counseling, and assignment policies discussed in AR 600-110.
- b. Ensure compliance with the education and testing requirements for their soldiers.
- c. Accompany soldiers identified as HIV positive during initial notification.
- d. Provide support and facilitate the support network for the HIV positive soldier during the initial notification and subsequent evaluation.
- e. Protect soldiers confirmed as HIV positive from unwarranted invasions of their privacy.
- f. Maintain unit status of the HIV testing requirement.
- g. Consult with the servicing SJA on the limited use provisions of this policy and other restrictions on the use of HIV information.
- h. After initial notification, counsel HIV positive soldiers in accordance with the policies specified in AR 600-110.
- i. Ensure that information regarding HIV testing results is appropriately safeguarded in accordance with the policies specified in AR 600-110.

Homosexual Conduct In The Armed Forces

Reference: AR 635-200, Enlisted Personnel, 1 November 2000

SME: Staff Judge Advocate.

Department of the Army Policy.

a. The suitability of persons to serve in the Armed Forces is based on their conduct and their ability to meet required standards of duty performance and discipline.

b. Homosexual conduct is grounds for barring entry into the Armed Forces and for separation from the Armed Forces. Sexual orientation is not grounds for a bar to re-enlistment or to continued service.

General Information.

a. Only the member's commander is authorized to initiate fact-finding inquiries involving homosexual conduct. A commander may initiate a fact-finding inquiry only when he or she has received credible information that there is basis for discharge. A basis for discharge exists if:

(1) The member has engaged in a homosexual act.

(2) The member has said that he or she is a homosexual, or bisexual, or made some other statement that indicates a propensity or intent to engage in homosexual acts; or

(3) The member has married or attempted to marry a person of the same sex.

b. When a member engages in homosexual conduct as defined by 3.a. (1) through (3), he or she is subject to administrative separation.

c. The service member bears the burden of proving, by a preponderance of the evidence, that he or she is not a person who engages in, has a propensity to engage in, or intends to engage in homosexual acts.

Commander's Responsibilities.

a. Commanders shall exercise sound discretion when credible information exists.

b. Commanders or appointed inquiry officials shall not ask, and members shall not be required to reveal, their sexual orientation.

c. Ensure that inquiries are conducted properly and that no abuse of authority occurs.

d. Become familiar with the DOD policy concerning homosexual conduct as described in the stated references.

e. Ensure that soldiers are informed of laws and regulations governing sexual conduct, including policies on homosexual conduct.

Indebtedness Of Army Personnel



Reference: AR 600-15, Indebtedness of Military Personnel, 14 March 1986.

SME: Staff Judge Advocate; Army Community Service Financial Manager.

Department of the Army Policy.

a. Soldiers are required to manage their personal affairs in a satisfactory manner and pay their debts promptly. Failure to do so makes the soldier subject to administrative or punitive actions.

b. Creditors that comply with the provisions of AR 600-15, Chapter 4, will have their debt complaints processed by commanders.

c. Effective 1 January 1995, involuntary allotments may be established in the pay account of soldiers to be paid to creditors who have obtained a judgment from court.

Commander's Responsibilities.

a. Process debt complaints that meet the criteria in AR 600-15, Chapter 4. Chapter 2, AR 600-15 provides guidance on returning complaints that do not comply with Chapter 4.

b. Contact the Staff Judge Advocate (SJA). The SJA can provide additional guidance on what actions to take. The SJA can also help the commander determine if the debt collector complies with the Fair Debt Collection Practices Act.

c. Processing debts basically amounts to formally informing the soldier of the claim of indebtedness against them. AR 600-15, Chapter 2, provides detailed guidance to commanders in processing debt complaints.

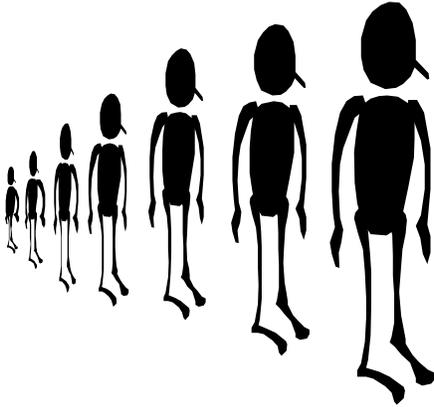
d. In accordance with AR 600-15, Chapter 3, commanders must consider administrative or punitive actions against soldiers that: (1) Fail to promptly resolve unpaid debts, and (2) Repeatedly fail to pay their legal debts.

e. If the soldier has access to classified information, it may be necessary to submit a report of derogatory information to the unit S2 (See AR 380-67 for guidance).

f. Refer soldiers to the Staff Judge Advocate or legal assistance if the soldier feels there are legal problems with the debt.

g. Provide financial management counseling for soldiers that have problems in meeting valid debts. Army Community Services provides financial management counseling, seminars, and workshops in addition to consumer protection advice.

Initial Command Inspection



Reference: AR 1-201, Army Inspection Policy, 17 May 1993.

SME: Inspector General.

Department of the Army Policy.

a. Each new company commander will receive an initial command inspection from his or her rater within 90 days of assuming command.

b. In the Army National Guard and the United States Army Reserve, the initial command inspection will occur within 180 days of the assumption of command.

General Information.

a. The initial command inspection will serve to evaluate the condition of the unit.

b. The initial command inspection will not evaluate the company commander's performance since assuming command.

c. Only the inspected company commander receives the results of the initial inspection.

d. A discussion of the results will be conducted with the rater as a goal-setting session. The company commander should receive a clear picture of the goals, standards, and priorities for the unit.

e. Inspection results may cause refinement in the Officer Evaluation Support Form and the (NCOER Counseling Form).

f. Subsequent command inspections of companies measure progress and reinforce the goals and standards established during the initial command inspection. Commanders will determine the frequency of subsequent command inspections.

Commander's Responsibilities.

a. Ensure that the initial command inspection appear on the training schedule.

b. The results of the initial command inspection will not be used to compare units.

Leaves And Passes (Military)



Reference: AR 600-8-10, Leaves and Passes, 1 July 1994

SME: Inspector General, Staff Judge Advocate.

Department of the Army Policy.

a. **Annual Leave Program.** Unit commanders are the approval/disapproval authority for leave. The commander's leave and pass program must be designed to allow soldiers to use their authorized leave to the maximum extent possible within mission and operational constraints. Commanders and individual soldiers share the responsibility of planning leave around unit mission and/or operational requirements. A commander may disapprove a request for leave regardless of the soldier's use or lose status or personal desires if:

(1) The leave will interfere with mission or operational requirements.

(2) The soldier is required to remain on station due to reasons such as investigations or pending personnel actions.

b. **Emergency Leave.** Emergency leave will be granted to soldiers only for family emergencies involving members of their household, immediate family or a sole surviving blood relative, whenever the circumstances warrant. Authorized emergency leave may be approved for reasons listed below:

(1) Pregnancy of spouse and childbirth if a severe life threatening situation is documented.

(2) The death of an immediate family member.

(3) When soldier's presence would contribute to the welfare of a terminally ill member of the immediate family if the expected date of death were within 30 days.

(4) For a serious situation involving accident, illness, or major surgery that cannot be postponed due to the urgency of the medical condition. The situation must result in a serious family problem that will impose severe or undue hardship because of member's failure to return home on either the member, his household, or immediate family.

(5) Soldier is affected personally by a disaster (for example, hurricane, tornado, or flood) when severe or undue hardship would be encountered if the member failed to return home.

The following circumstances do not, repeat, do not meet the criteria for emergency leave approval. Commanders may consider approving ordinary leave for situations described below:

- Marital problems, unless a severe life threatening situation is documented.
- To attend court hearings to resolve financial problems.
- To assist in harvesting crops or participate in managing business firms.
- Psychoneurosis based on family separation unless the attending physician believes that a severe psychotic episode is indicated and the member's return might prevent institutionalization.
- To settle the estate of a deceased relative.
- Situations involving a grandparent (not in loco parentis), aunt, uncle, cousin, niece, or nephew (when not the only living blood relative) or for a friend, or fiancée.

c. **Special Leave Accrual.** Special leave is authorized to those military personnel deployed away from home station in support of a military operation for a continuous period of at least 120 days in an area in which the soldier is entitled to imminent danger or hostile fire pay which prevents them from using their leave and maintaining no more than 60 days at the end of a fiscal year with a maximum of no more than 90 days. Instructions on how to request special leave is found in AR 600-8-10, Section III.

d. **Permissive TDY (PTDY).** PTDY is a nonchargeable absence from duty granted at no expense to the Government to perform a semi-official activity that benefits the service and the soldier. PTDY may be granted for the following:

(1) Career management to discuss career management and review personnel records (maximum absence authorized is 4 days).

(2) State jury service or be a witness at state criminal investigation proceedings or criminal prosecution (See AR 600-8-10, Section XVI, 5-32b).

(3) To attend civilian education programs (See AR 600-8-10, Section XVI, 5-32c).

(4) To attend meetings of associations, leagues, or councils formed by a DoD credit union provided that the Board of Directors requests the soldier's presence.

(5) To participate in other official or semi-official programs of the Army (See AR 600-8-10, Section XVI, 5-32e).

(6) For house hunting (incident to a PCS move CONUS or OCONUS--See AR 600-8-10, Section XVI, 5-32f). The PTDY may not exceed 20 days CONUS or 30 days OCONUS (only one home of record/domicile).

(7) To attend meeting (scientific, professional, or technical) (See AR 600-8-10, Section XVI, 5-32g).

(8) To complete the naturalization process (See AR 600-8-10, Section XVI, 5-32h).

(9) To soldiers stationed in CONUS to accompany a dependent patient to a designated medical facility as a non-medical attendant or to join a dependent patient when the soldier's presence is deemed essential by a physician/hospital commander (See AR 600-8-10, Section XVI, 5-32i).

(10) To attend certain professional instruction courses (See AR 600-8-10, Section XVI, 5-32j)

(11) To participate in scouting activities (See AR 600-8-10, Section XVI, 5-32k).

(12) To participate in/provide essential support to participants in sports, recreation, or talent events (See AR 600-8-10, Section XVI, 5-32l).

(13) To accompany a dependent patient to a designated medical facility where the soldier's presence is essential.

e. **Convalescent Leave.** Unit commanders may grant up to 30 days when soldiers return to duty after illness or inquiry (up to 42 days after the birth of a child). The hospital commander is the approval authority (when hospitalized) if more than 30 days (or more than 42 if after the birth of a child). A commander may require a soldier to return to duty prior to the end of convalescent leave if the unit mission is required (paragraph 5-7).

General Information.

a. Soldiers are often erroneously charged for leave. Lack of knowledge or improper training by Battalion S1 personnel is often the cause.

b. Soldiers will be charged leave for actual days taken. If a soldier works on the

departure or return day for the majority of the normal working hours (more than one-half of the normally scheduled working hours), then that day is not charged as leave. An entry must be made in the remarks section of the DA Form 31.

c. If the soldier returns on a non-duty day, the preceding day is the last day of chargeable leave. Soldiers engaged in shift work normally have other non-duty days. Example: A soldier returns on Tuesday (Tuesday is his regularly scheduled non-duty day). The preceding day (Monday) is the last day of chargeable leave.

d. **Definitions of leave:**

(1) Accrued leave. This is leave that a soldier has earned and accumulated at a rate of 2.5 days per month. Leave in excess of 60 days at the end of the fiscal year will be lost unless authorized by AR 600-8-10, paragraph 3-3.

(2) Advanced leave. This is leave granted to soldiers with little or no leave balance. Basically, it's a loan of leave based on what a soldier expects to earn during his/her current term of service.

(3) Excess leave. This is leave without pay, allowances, or leave accrual. It is granted only upon the soldier's request, except as outlined in AR 600-8-10, paragraph 5-15. A soldier on excess leave who incurs a physical disability is not entitled to physical disability pay.

Passes. Regular and special passes. Passes are issued on the basis of days instead of the number of hours to be taken. The restriction on the number of hours for passes no longer applies.

a. Three-Day Pass. A three-day pass starts at the end of normal duty hours and terminates at the start of normal duty hours on the 4th day.

- **Three-day Regular Pass.** A three-day regular pass includes a holiday. A soldier may depart on a three-day pass on Friday evening after duty hours and return in time for normal duty hours Tuesday morning.
- **Three-day Special Pass.** A soldier may depart on a three-day pass on Monday evening after work and return in time for duty Friday morning.

b. Four-Day Pass. A four-day pass starts at the end of normal duty hours and terminates at the start of normal duty hours on the 5th day.

- *Four-day Regular Pass.* A four-day pass must include at least two consecutive non-duty days. For example—A soldier may depart on a four-day pass on Friday evening after duty hours and must return in time for the start of normal duty hours on Wednesday morning.
- *Four-day Special Pass.* A soldier may depart on a 4-day special pass on Wednesday evening after duty hours and must return in time for normal duty hours on Monday morning.

c. *Special Pass. A special pass may not be combined with a regular pass, another special pass, or with leave.*

Commander's Responsibilities.

a. Encourage all soldiers to use their authorized leave to the maximum extent possible. Leave is beneficial to health, morale, and motivation and helps maintain efficient performance of military duties.

b. Commanders will ensure compliance with existing policies and procedures.

c. Commanders will encourage and assist soldiers to use their entire 30 days leave each year.

d. Counsel soldiers who refuse to take leave when the opportunity is afforded them on the command annual leave program.

e. Ensure soldiers are charged leave only for days taken.

f. Ensure voiding, reconstruction, or correction of DA Form 31 is done properly and when required.

g. Process and verify changes affecting leave such as, sick-in-hospital or sick-in-quarters. AR 600-8-10, Chapter 5, provides detailed guidance.

h. Process and be thoroughly familiar with advanced and excess leave policies. Ensure soldiers understand the standards of each program.

i. Process emergency leave requests as quickly as possible. Be familiar with briefing requirements and travel authorizations afforded to soldiers. This applies to soldiers whose home of record (HOR) is overseas and to soldiers stationed overseas traveling to stateside HOR. Remind soldiers that emergency leave is chargeable leave.

j. Process request for leave in conjunction with Permanent Change of

Station (PCS) or Temporary Duty (TDY). Do not grant extension requests to soldiers who have PCS'd from your organization.

k. Process requests for leave or travel outside of the United States. Ensure soldier is briefed on his responsibilities according to AR 600-8-10, Chapter 8.

l. Process requests for convalescent leave. Ensure supporting recommendation has been received from a physician. AR

600-8-10, Chapter 5, provides detailed guidance on medically related absences.

m. Process requests for pass. Soldiers are not authorized leave in conjunction with a special pass.

n. Ensure requests for permissive TDY are appropriate and authorized.

o. Denial of permissive TDY must be entered on DA Form 31.



Medical Boards



References:

- a. AR 40-3, Medical, Dental, and Veterinary Care, 28 January 2002.
- b. AR 40-501, Standards of Medical Fitness, 30 September 2002.
- c. AR 600-60, Physical Performance Evaluation System, 25 June 2002.
- d. AR 635-40, Physical Evaluation for Retention, Retirement, or Separation, 15 August 1990.

SME: Physical Evaluation Board Liaison Officer.

Department of the Army Policy.

- a. It is the objective of the Army to maintain an effective and fit military organization with maximum use of available manpower.
- b. The medical board process provides benefits for eligible soldiers whose military service is terminated because of a service-

related disability and provide prompt disability processing while ensuring that the rights and interests of the Government and the soldier are protected.

General Information.

a. The MOS/Medical Review Board (MMRB) is an administrative board charged with the responsibility of evaluating a soldier's ability or inability to physically perform their PMOS or specialty code tasks in a worldwide field environment.

b. All soldiers receiving a permanent profile 3 or 4 (P3 or P4) must be referred to an MMRB. **EXCEPTION:** Soldiers with approved retirements, DA/locally imposed bars to re-enlistment, or pending administrative separations are not required to be evaluated. However, if a soldier has sufficient time in service remaining to be eligible for reassignment, and receives assignment instructions, he/she must be referred to an MMRB.

c. MMRBs are actioned by the MILPO, not through the medical channels. Commanders must ensure that the MILPO schedule MMRBs for their soldiers.

d. Commanders must furnish a commander's evaluation to the MILPO prior to the scheduled MMRB. The evaluation will address the soldier's physical capability and impact of profile limitations. **It is not the commander's job to state whether the individual is fit or not fit for duty.**

e. The MMRB will make one of the following determinations for boarded individuals:

(1) Retain current MOS/specialty code with limitations.

(2) Reclassify into new MOS.

(3) Place in probationary status pending rehabilitation, not to exceed a six-month period.

(4) Refer to the Army Physical Disability Program.

f. Soldiers are nondeployable and will not be reassigned under the following situations:

(1) When assignment instructions have been received and the soldier possessing a “3” or “4” permanent profile has not been evaluated by an MMRB, soldiers will not proceed on assignment instruction until MMRB results are finalized.

(2) When the MMRB convening authority recommends probationary status, reclassification, or referral to the Army’s disability system, the soldier will remain in a nondeployable status until DA completes final action.

g. Enlisted soldiers pending MMRB action may not re-enlist. The soldier, if otherwise eligible, may be voluntarily extended prior to ETS until a final determination is made by the MMRB. If the soldier is found fit or retained, re-enlistment will not be denied solely because of MMRB processing.

h. Officers pending MMRB action may apply for CVI, VI, or RA status. However,

final approval will not be made until the MMRB action has been finalized.

i. The Medical Evaluation Board (MEBD) is a narrative summary documenting a soldier’s medical status and duty limitations.

j. Generally, only those cases that present problematical or controversial aspects and those in which are required by regulation will be referred to the MEBD. Some of the cases that require referral are:

(1) Soldiers with medical conditions or physical defects that are usually progressive in nature and expectations for reasonable recovery cannot be established.

(2) Soldiers whose medical fitness for return to duty is problematical or controversial.

(3) Soldiers with cases involving mental competency.

(4) Soldiers scheduled for separation under AR 635-100 and AR 635-200 when it appears that mental illness, medical condition, or physical defect is the direct cause of unfitness or unsuitability.

(5) Soldiers pending referral to the PEB.

k. Soldiers are nondeployable once they are referred to an MEBD.

l. The PEB is the final step in the medical process. This board is charged with determining the medical fitness of a soldier, either fit or unfit for duty, and the amount of disability awarded.

m. The PEB basis fitness on the preponderance of the evidence presented.

The board evaluates the soldier's medical prognosis and performance appraisals to determine overall retention.

n. The PEB evaluation of a soldier's performance encompasses the commander's evaluation, letters from supervisors, NCOER/OERs and personal testimony. Commanders must convey a consistent appraisal of the soldier's performance and address discrepancies with conflicting information. They must ensure that any physical defects impacting on a soldier's duty performance are reflected on the soldier's efficiency report. Worldwide deployability will not serve as the sole basis for a finding of unfitness by the PEB and cannot be addressed in the commander's evaluation.

o. The PEB conducts informal and formal boards.

(1) The informal board is a review of the medical file, without the soldier in attendance. If the soldier agrees with the board's findings, the proceedings are finalized. If the soldier disagrees with the findings, the proceedings are forwarded to the formal board.

(2) The formal board is a review of the medical file, with the soldier in attendance. The soldier has the opportunity to present his/her case directly to the board. If the soldier agrees with the board's finding, the proceedings are finalized. If the soldier disagrees with the finding, the proceedings are forwarded to the Army Physical Disability Appeal Board (APDAB) for final action.

p. The most time consuming actions within the medical board process are:

(1) The issuance of the permanent profile, due to prolonged temporary medical problems. Typically, a series of necessary appointments are not made concurrently causing time consuming treatment plans.

(2) The MEBD, due to the complications of processing the physician's dictation.

Commander Responsibilities.

a. Know the attending physician and have a working relationship with the physician to ensure the needs of the Army and the medical needs of the soldier are met.

b. Know the Physical Evaluation Board Liaison Officer (PEBLO). The PEBLO tracks all MEBD/PEB actions and suspense.

c. Know the MMRB representative at MILPO.

d. Write a useful commander's evaluation that relays the actual daily routine of the soldier, not to be a disclaimer of what the individual cannot perform. The commander cannot state if the individual is fit or not fit for duty.

Mental Health Evaluations Of Members Of The Armed Forces

References:

a. DOD Directive 6490.1, Mental Health Evaluations of Members of the Armed Forces, October 1, 1997.

b. DOD Instruction 6490.4, "Requirements for Mental Health Evaluations of Members of the Armed Forces", August 28, 1997.

c. DOD Directive 7050.6, "Military Whistle-blower Protection", August 12, 1995.

SME: Mental Health Division; Staff Judge Advocate.

Department of the Army Policy.

a. A commanding officer shall consult with a mental health professional before referring a member for a mental health evaluation to be conducted on an outpatient basis.

b. A member has certain rights when referred for a mental health evaluation and additional rights when admitted to a treatment facility for an emergency or involuntary mental health evaluation.

c. No person shall refer a member for a mental health evaluation as a reprisal for making or preparing lawful communication to a member of Congress, any appropriate authority in the chain of command of the member, an Inspector General (IG), or a

member of a DOD audit, inspection, investigation, or law enforcement organization.

d. No person shall restrict a member from lawfully communicating with an IG, Attorney, Member of Congress, or others about the member's referral for mental health evaluation.

e. Violation of 3c & d above by any person subject to the UCMJ are punishable as a violation of Article 92, UCMJ, and that violation by civilian employees are punishable under regulations governing civilian disciplinary or adverse actions.

f. Nothing in these procedures shall be construed to limit the authority of a commander to refer members for emergency mental health evaluation and/or treatment when circumstances suggest the need for such action.

Commander Responsibilities.

a. Become familiar with the DOD Directive on Mental Health Evaluations and AR 40-501, Standards of Fitness.

b. Ensure that members are not referred for mental health evaluations as reprisal for whistle blowing.

c. Only commanders will consult with mental health professionals before referring members for mental health evaluations.

d. Follow the requirements for notification to the member before he/she attends the evaluation. The notice shall, **at a minimum**, include the following:

(1) The date and time the mental health evaluation is scheduled.

(2) A brief factual description of the behaviors and/or verbal expressions that caused the commander to determine a mental health evaluation is necessary.

(3) The names or names of the mental health professionals with whom the commanding officer has consulted before making the referral. If such consultation is not possible, the notice shall include reasons why.

(4) The positions and telephone numbers of JAG, unit chaplain, and the IG, who can provide assistance to service members who wish to question the referral.

(5) The member must be provided with a copy of the rights listed in paragraph 1.b of DOD Directive 6490.1.

(6) The member's signature attesting to having received the notice described in subparagraphs 1.a. (1) through (5) of DOD Directive 6490.1. If the member refuses to sign the attestation, the commander shall so indicate on the notice.

Military Uniform Wear And Appearance



Reference: AR 670-1, Wear and Appearance of Army Uniforms and Insignia, 1 July 2002.

SME: Command Sergeants Major.

General Information:

a. Only uniforms, accessories, and insignia prescribed in this regulation or in the common tables of allowance (CTA), or as approved by HQDA will be worn by personnel in the U.S. Army. Unless specified in AR 670-1, the commander issuing the clothing and equipment will establish wear policies for organizational clothing and equipment. No item governed by this regulation will be altered in any way that changes the basic design or the intended concept of fit as described in TM 10-227 and AR 700-84, including plating, smoothing, or removing detail features of metal items, or otherwise altering the color or appearance.

b. In accordance with Chapter 45, Section 771, Title 10, United States Code; no

person except a member of the U.S. Army may wear the uniform, or a distinctive part of the uniform of the U.S. Army unless otherwise authorized by law. Additionally, no person except a member of the U.S. Army may wear a uniform, any part of which is similar to a distinctive part of the U.S. Army uniform. The following uniform items are distinctive and will not be sold to or worn by unauthorized personnel:

(1) All Army headgear, when worn with insignia.

(2) Badges and tabs (identification, marksmanship, combat, and special skill).

(3) Uniform buttons (U.S. Army or Corps of Engineers).

(4) Decorations, service medals, service and training ribbons, and other awards and their appurtenances.

(5) Insignia of any design or color that the Army has adopted.

Individuals will remove all distinctive items before disposing of unserviceable uniform items.

c. Wear of Jewelry. No jewelry, watch chains, or similar items, to include pens pencils, will appear exposed on uniforms.

(1) Wrist items. The wearing of a wristwatch, wrist identification bracelet, and a total of two rings (wedding set is considered one ring) with Army uniforms,

unless prohibited by the commander for safety or health reasons. Identification bracelets are limited to medical alert bracelets and MIA/POW identification bracelets. Soldiers may wear only one item on each wrist. The jewelry list here is the only jewelry that may appear exposed while wearing the uniform. A pen or pencil may appear exposed on the hospital duty, food service, CVC, or flight uniforms.

(2) Body piercing. When on any Army installation or other places under Army control, soldiers may not attach, affix, or display objects, articles, jewelry, or ornamentation to or through the skin while they are in uniform, in civilian clothes on duty, or in civilian clothes off duty (this includes earrings for male soldiers). The term skin is not confined to external skin, but includes the tongue, lips, inside the mouth, and other surfaces of the body not readily visible.

(3) Earrings. Female soldiers are authorized to wear prescribed earrings with the service, dress, and mess uniforms. The earrings may be screw-on, clip-on, or post-type earrings, in gold, silver, white pearl, or diamond. The earrings will not exceed 6mm or ¼ inch in diameter, and they must be unadorned and spherical. When worn, the earrings will fit snugly against the ear. Female soldiers may wear earrings only as a matched pair, with only one earring per ear lobe. Female soldiers are not authorized to wear earrings with any Class C (utility) uniform (BDU, hospital duty, food service, physical fitness, field, or organizational). When on duty in civilian attire, female soldiers must comply with the specifications listed above when wearing earrings. When females are off duty, there are no restrictions on the wear of earrings.

(4) Ankle bracelets, necklaces (other than those described in AR 670-1, paragraph 1-7b), faddish devices, medallions, amulets, and personal talismans or icons are not authorized for wear in any military uniform, or in civilian clothes on duty.

d. Wear of eyeglasses, sunglasses, and contact lens.

(1) Eyeglasses and sunglasses. Conservative civilian prescription eyeglasses are authorized for wear with all uniforms. Conservative prescription and nonprescription sunglasses are authorized for wear when in a garrison environment, except when in formation and while indoors. Individuals may be authorized to wear sunglasses for medical reasons. Eyeglasses or sunglasses that are trendy, or have lenses or frames with initials, designs, or other adornments are not authorized for wear. Soldiers may not wear lenses with extreme or trendy colors, which include but are not limited to, red, yellow, blue, purple, bright green, or orange. Lens colors must be traditional gray, brown, or dark green shades. Personnel will not wear lenses or frames that are so large or so small that they detract from the appearance of the uniform. Personnel will not attach chains, bands, or ribbons to eyeglasses. Eyeglass restraints are authorized only when required for safety purposes. Personnel will not hang eyeglasses or eyeglass cases on the uniform, and may not let glasses hang from eyeglass restraints down the front of the uniform. Tinted or colored contact lenses are not authorized for wear with the uniform. The only exception is for opaque lenses that are prescribed medically for eye injuries. Additionally, clear lenses that have designs on them that change the contour of the iris are not authorized for wear with the uniform.

e. Tattoos. Tattoos or brands that are visible in Class A uniform (worn with slacks/trousers) are prohibited.

(1) Extremist tattoos or brands are those affiliated with, depicting, or symbolizing extremist philosophies, organizations, or activities. Extremist philosophies, organizations, and activities are those which advocate racial, gender or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, gender, ethnicity, religion, or national origin; or advocate violence or other unlawful means of depriving individual rights under the U.S. Constitution, Federal, or State law.

(2) Indecent tattoos or brands are those that are grossly offensive to modesty, decency, or propriety; shock the moral sense because of their vulgar, filthy, or disgusting nature or tendency to incite lustful thought; or tend reasonably to corrupt morals or incite libidinous thoughts.

(3) Sexist tattoos or brands are those that advocate a philosophy that degrades or demeans a person based on gender, but that may not meet the same definition of indecent.

(4) Racist tattoos or brands are those that advocate a philosophy that degrades or demeans a person based on race, ethnicity, or national origin.

(5) Existing tattoos or brands on the hands that are not extremist, indecent, sexist, or racist, but are visible in the Class A uniform (worn with slacks/trousers) are authorized for current soldiers only. This grandfather provision does not apply to soldiers enlisting as the effective date of this regulation.

(6) Soldiers may not cover tattoos or brands in order to comply with the tattoo policy.

(7) Commander's responsibility. Commanders will ensure soldiers understand the tattoo policy. For soldiers who are not in compliance, commanders may not order the removal of a tattoo or brand. However, the commander must counsel soldiers, and afford them the opportunity to seek medical advice about removal or alteration of the tattoo or brand. If soldiers are not in compliance with the policy, and refuse to remove or alter the tattoos or brands, commanders will:

(a) Ensure the soldier has been afforded the opportunity to seek medical advice about removal or alteration.

(b) Counsel the soldier in writing. The counseling form will state that the soldier's refusal to remove extremist indecent, sexist, or racist tattoos or brands anywhere on the body, or refusal to remove any type of tattoo or brand visible in the Class A uniform will result in discharge.

f. Hair and fingernail standards and grooming policies.

(1) Hair.

(a) The requirement for hair grooming standards is necessary to maintain uniformity within a military population. Many hairstyles are acceptable, as long as they are neat and conservative. It is not possible to address every acceptable hairstyle, or what constitutes eccentric or conservative grooming. Therefore, it is the responsibility of leaders at all levels to exercise good judgment in the enforcement of Army policy. All soldiers will comply with the hair, fingernail, and grooming

policies while in any military uniform or while in civilian clothes on duty.

(b) Leaders will judge the appropriateness of a particular hairstyle by the appearance of headgear when worn. Headgear will fit snugly and comfortably, without distortion or excessive gaps. Hairstyles that do not allow soldiers to wear the headgear properly, or that interfere with the proper wear of the protective mask or other protective equipment, are prohibited.

(c) Extreme, eccentric, or trendy haircuts or hairstyles are not authorized. If soldiers use dyes, tints, or bleaches, they must choose those that result in natural hair colors (this means colors that may be natural to any race or ethnicity of humans, not of a specific race). Colors that detract from a professional military appearance are prohibited. Therefore, soldiers should avoid using colors that result in an extreme appearance. Applied hair colors that are prohibited include, but are not limited to, purple, blue, pink, green, orange, bright (fire-engine) red, and fluorescent or neon colors. It is the responsibility of leaders to use good judgment in determining if applied colors are acceptable, based upon the overall effect on soldiers' appearance.

(d) Soldiers who have a texture of hair that does not part naturally may cut a part into the hair. The part will be one straight line, not slanted or curved, and will fall in the areas where the soldier would normally part the hair. Soldiers will not cut designs into their hair or scalp.

(e) Male haircuts. The hair on top of the head must be neatly groomed. The length and bulk of the hair may not be excessive or present a ragged, unkempt, or extreme appearance. The hair must present a tapered appearance where the outline of

the soldier's hair conforms to the shape of the head, curving inward to the natural termination point at the base of the neck. When the hair is combed, it will not fall over the ears or eyebrows, or touch the collar, except for the closely cut hair at the back of the neck. Males are not authorized to wear braids, cornrows, or dreadlocks while in uniform or in civilian clothes on duty.

(f) Female haircuts. Females will ensure their hair is neatly groomed, that the length and bulk of the hair are not excessive, and that the hair does not present a ragged, unkempt or extreme appearance. Trendy styles that result in shaved portions of the scalp or designs cut into the hair are prohibited. Females may wear braids and cornrows as long as the braided style is conservative, the braids and cornrows lie snugly on the head. Dreadlocks are prohibited in uniform or in civilian clothes on duty. Hair will not fall over the eyebrows or extend below the bottom edge of the collar at any time during normal activity or when standing in formation. Long hair that falls naturally below the bottom edge of the collar, to include braids, will be neatly and inconspicuously fastened or pinned, no free-hanging hair is visible. This includes styles worn with the physical fitness uniform/improved physical fitness uniform.

(g) Cosmetics.

- Males are prohibited from wearing cosmetics, to include nail polish.
- Females are authorized to wear cosmetics with all uniforms, provided they are applied conservatively and in good taste and complement the uniform. Females' cosmetics must be

conservative and complement the uniform and their complexion. Eccentric, exaggerated, or trendy cosmetic styles and colors, to include makeup designed to cover tattoos, are inappropriate with the uniform and are prohibited. Permanent makeup, such as eyebrow or eyeliner, is authorized as long as the makeup conforms to the standards outlined above. Females will not wear shades of lipstick and nail polish that distinctly contrast with their complexion, that detract from the uniform, or that are extreme. Some examples of extreme colors include, but are not limited to, purple, gold, blue, black, white, bright (fire-engine) red, khaki, camouflage colors, and fluorescent colors. Soldier will not apply designs to nails or apply two-tone or multi-tone colors to nails.



- **Fingernails.** All personnel will keep fingernails clean and neatly trimmed. Males will keep nails trimmed so as not to extend beyond the fingertip. Females will not exceed a nail length of $\frac{1}{4}$ inch, as measured from the tip of the finger. Females will trim nails shorter if the commander determines that the longer length detracts from the military image, presents a safety concern, or interferes with the performance of duties.

Noncommissioned Officer Evaluation Reporting System



Reference: AR 623-205, Noncommissioned Officer Evaluation Reporting System (NCOERS), 15 May 2002.

SME: Command Sergeants Major.

Department of the Army Policy. The NCOERS is designed to: (1) strengthen the ability of the NCO Corps to meet the professional challenges of the future through the indoctrination of Army values and basic NCO responsibilities, (2) ensure the selection of the best qualified NCO to serve in positions of increasing responsibility by providing rating chain view of performance/potential for use in centralized selection, assignment, and other EPMS decisions, and (3) contribute to Army-wide improved performance and professional development by increased emphasis on performance counseling.

General Information.

a. Types of Reports.

(1) Annual. This report will be submitted 12 months after the ending month of the last report, effective date of promotion to sergeant, reversion to NCO status after serving as a commissioned or warrant officer for 12 months or more, and reentry on active duty in a rank of sergeant or above after a break in enlisted service of 12 months or more.

(2) Change-of-Rater. A report will be submitted whenever the designated rater is changed as long as the minimum rater qualifications are met. The minimum rating period is 90 rated days.

(3) TDY, special duty, or compassionate reassignment. When an NCO departs on TDY or special duty, change of rater ports for both the NCO and their eligible subordinates will be submitted, provided rater qualifications are met, prior to departure.

(4) Relief for Cause. A report is required when an NCO is relieved for cause regardless of the rating period involved. Relief-for-cause is defined as removal of an NCO from a ratable assignment based on a decision by a member of the NCO's chain of command or supervisory chain.

(5) Complete-the-Record. At the option of the rater, a complete-the-report may be submitted on an NCO who is about to be considered by a DA centralized board

for promotion, school, or CSM selection. See AR 623-205, para 3-33 for specifics.

(6) Senior Rater Option. When a change in senior rater occurs, the senior rater may direct that a report be made on any NCO for whom he or she is the senior rater.

(7) Sixty-Day Option. When there are fewer than 90 rated days but more than 59 rated days in the rating period, a report may be submitted at the option of the rater for an annual, change-of-rater, or TDY, special duty, or compassionate reassignment NCOER.

b. DA Form 2166-8-1, NCO Counseling Checklist/Record (see samples AR 623-205, figures 3-3 through 3-6.

(1) The rater will conduct the first counseling session with the rated NCO within the first 30 days of the rating period, effective date of lateral appointment corporal, or promotion to sergeant. This counseling should address the performance standards, rating chain, complete duty description, meaning of the values and responsibilities contain on the NCOER, and explains the standards for success.

(2) Subsequently, the rater will conduct later counseling sessions during the rating period. Counseling sessions will be conducted at least quarterly for AA and AGR NCOs. The primary focus for these counseling sessions is to tell the rated NCO how well he or she is doing. The guide for this discussion is the success standards established in the previous counseling session.

(3) The rater will maintain one DA Form 2166-8-1 for each rated NCO until after the NCOER for that period has been approved and submitted to USAEREC. For

corporals, who do not received a record NCOER, the checklist will be maintained for one year.

c. DA Form 2166-8, NCOER.

(1) Part I, Administrative Data. The Battalion S1 or administrative office is responsible for completing Part I. The rater will verify the data in Part I with the rated NCO and notify the battalion S-1 or administrative officer for any errors.

(2) The minimum authorized period for an NCOER is 90 rated days except for Relief-for-Cause, Senior Rater Option, and Sixty-Day Option Reports.

(3) Once a report has been submitted, NCOERs will show a continuous record for each month and year unless a break in the NCO status occurs. Academic Evaluation Reports received by SGT through CSM for service schools involving a PCS of 20 weeks or longer will count in the continuity of rating periods as an NCOER would.

(4) Nonrated periods. See AR 623-205, Table 3-3.

d. Authentication. Part II is for authentication by the rated NCO and rating officials after they have completed their portions of the form at the end of the rating period. Reports will be dated by the rating officials and rated NCO when signed and prior to forwarding to the PSB, personnel officer, or battalion S1. Rated NCOs and rating officials should not sign blank NCOER forms.

e. Definition of levels of performance.

(1) **Excellence.** Exceeds standards; demonstrated by specific examples and

measurable results; special and unusual; achieved by only a few; clearly better than most others. Examples—

(a) Received physical fitness badge.

(b) Qualified entire squad as expert with M-16 and M-60.

(c) Awarded the Expert Infantryman Badge.

(2) **Success.** Meets all standards. Majority of ratings are in this category; fully competitive for schooling and promotion. The goal of counseling is to bring all NCOs to this level. Examples—

(a) Shares experiences readily, constantly teach soldiers.

(b) Constantly seeking to improve, completed three subcourses during rating period.

(c) Coached and played on company softball team.

(d) Established comprehensive cross-training program for this section.

(e) His or her platoon had only one tank on deadline report (for 10 days) during last 11 months.

(3) **Needs improvement.** Missed meeting some standard. Examples—

(a) Was often unaware of whereabouts of subordinates.

(b) Had the highest deadline rate in the company due to apathy.

(c) Unprepared to conduct formal training on three occasions.

(4) Rater explains, with specific bullet examples, any area where rated NCO demonstrated excellence, notable success, or need for improvement. Specific bullet examples are mandatory for ‘excellence’ or ‘needs improvement’ ratings. A specific bullet example can be used only once.

f. Part IVc, Army Physical Fitness Test (APFT) Entry. The rater will enter one of the following APFT entries: “PASS” or “FAIL” and the year and month of the APFT results. APFT refers to both the PT test for NCOs without profiles consisting of pushups, sit-ups, and the two-mile run; and the alternate PT test as prescribed by health care personnel for NCOs with permanent profiles that have been cleared to take the alternate PT test. If no APFT is taken due to profile, the entry will be: “PROFILE” and the year and month the profile was awarded. These entries will reflect the NCO’s status on the date of the most recent record APFT administered by the unit within the 12-month period prior to the last rated day of supervision.

(1) The rater will explain an APFT entry of “FAIL” or “PROFILE.” Comments on FAIL entries will address reasons for the failure and note any progress toward meeting physical fitness standards. Comments on PROFILE (both permanent and temporary) will describe the rated NCO’s ability to perform assigned duties.

(2) If the APFT has not been taken within twelve months of the THRU date of the report, and the soldier is not on any profile, the APFT data entry will be left blank. The rater will explain the absence of an APFT entry in part IVc.

(3) An APFT entry is not required for pregnant NCOs who are exempt from the

APFT in accordance with AR 40-501. For pregnant NCOs who have not taken the APFT within the last 12 months due to pregnancy, convalescent leave, and temporary profile, the rater will enter the following statement in part IVc: “Exempt from APFT requirement in accordance with AR 40-501.”

g. **Part IVc, Height and Weight Entry.** The rater will enter the rated NCO’s verified height and weight as of the unit’s last record weigh-in and an entry of “YES” or “NO” to indicate compliance or noncompliance with AR 600-9. If there is no record weigh-in during the period covered by the report, the rater will enter the NCO’s height and weight as of the THRU date of the NCOER (no supplemental weigh-in is required). The rater enters “YES” for those NCOs who meet the weight for height screening table or are in compliance with body fat standards of AR 600-9. The statement “within body fat standards of AR 600-9” is no longer required and will not be used on evaluation reports. For pregnant NCOs, the entire entry is left blank. The rater will enter the following bullet in part IVc: “Exempt from weight control standards of AR 600-9.”

h. **Restrictions Applying to the NCOER.** See AR 623-205, Section IV.

i. **NCOER Redress Program.** The NCOER Redress Program consists of several elements at various levels of command. The program is both preventive and corrective in nature in that it is based upon principles structured to prevent and/or provide a remedy for alleged injustices or regulatory violations, as well as to correct them once they have occurred.

(1) Commander’s Inquiry.
(Operating tasks for conducting a commander’s inquiry are outlined in AR

623-205, Table 6-1). The commander’s inquiry procedures will not be used to document differences of opinion among rating officials about an NCO’s performance and potential. The evaluation system establishes rating chains and normally relies on the opinions of the rating officials. Rating officials should evaluate and have their opinions constitute the organization’s view of the rated NCO; however, the commander may determine through the inquiry that the report has serious irregularities or errors. Examples include, but are not limited to:

- (a) Impropriety designated or unqualified rating officials
- (b) Inaccurate or untrue statements.
- (c) Lack of objectivity or fairness by rating officials.

- The commander’s inquiry will be made by a commander (major or above) in the chain of command above the designated rating officials involved in the allegations. The commander will confine the inquiry to matters relating to the clarity of the report, the facts contained in the report, the compliance of the report with this regulation, and the conduct of the rated NCO and rating officials. The procedures for these inquiries may be as formal or informal as the commander deems appropriate, to include telephone and personal discussions. The commander may also appoint an officer, senior to the designated rating officials involved in the allegations, to make the inquiry.

- The commanders will not pressure or force rating officials to change their evaluations.

(2) NCOER Appeals.

a. Before deciding to appeal, an objective analysis of the report in question should be made. The burden of proof rests with the rated NCO. AR 623-205, paragraph 6-10, discusses the level of evidence that must be provided. The soldier should be realistic in the assessment of whether or not to submit an appeal based on a careful review of AR 623-205. The soldier should also seek assistance from the Staff Judge Advocate, Personnel Service Center personnel, and career management officials whether an appeal is advisable.

b. Substantive appeals must be submitted within 5 years of the NCOER completion date. Substantive appeals pertain to DA Form 2166-1, Parts III, IV and V. There is no time limit on administrative appeals. However, the likelihood of successfully appealing a report diminishes with the passage of time. Therefore, appeals should be submitted promptly.

c. Burden of proof rests with the soldier. Successfully appealing an NCOER depends on the strength of the evidence, the care with which the case is presented, and the line of argument presented. The soldier should obtain statements from third parties. "Third Parties" are persons who have knowledge of the rated soldier's duty performance during the contested rating period. Official documents may also substantiate that an evaluation report is in error. To be acceptable, evidence must be competent and relevant to the soldier's claim. Soldiers must ensure they submit all documentation necessary to assist in their appeal request. Failure to do so hinders the appeals process

and prevents the board from making an informed decision. Remember, the board will make a decision based on the evidence provided.

d. Prior to submitting the appeal, the soldier should have the entire package reviewed by a disinterested third party. This may help remove emotionalism and poor logic from the case. The case must be logical, well constructed, and as fully documented as possible. **Rated NCOs may seek an initial means of redress through the commander's inquiry provisions. However, the results of a commander's inquiry does not constitute an appeal, but may be used in support of appeal.**

Nonsupport Of Dependents



References:

- a. AR 608-99, Family Support, Child Custody, and Paternity, 1 November 1994.
- b. AR 20-1, Inspector General Activities and Procedures, 1 August 2002.

SME: Inspector General; Staff Judge Advocate.

Department of the Army Policy.

- a. Financial nonsupport of family members is an official matter of concern. **This is a command issue.**
- b. Soldiers are required to manage their personal affairs in a manner that does not bring discredit upon himself or herself or the United States Army. This responsibility includes:
 - (1) Providing adequate support for their family members.

- (2) Complying with all court orders.

- (3) Maintain reasonable contact with family members to ensure that their financial needs and welfare do not become official matters of concern for the Army.

- (4) Conducting themselves in an honorable manner with regard to parental commitments and responsibilities.

c. Soldiers **must** provide child support and/or alimony under the following circumstances:

- (1) Court orders regarding child support, alimony, and paternity.

- (2) The financial support provisions of a written support agreement (i.e., separation agreements) in the absence of a court order.

- (3) If there is no court order or written agreement, a married soldier must comply what the minimum support provisions of AR 608-99, paragraph 2-6.

- d. Illegitimate children. In the absence of a **court order** (not birth certificate) identifying a soldier as the father of a child and directing financial support, a male soldier **has no legal obligation under AR 608-99 to provide financial support to a child alleged to have been born to him and the child's mother out of wedlock (whether the soldier's name is or is not on the child's birth certificate)**. If the soldier admits paternity and agrees to provide financial support, he may, under certain

circumstances, obtain BAH-Diff. Even if a soldier admits paternity and agrees to provide financial support, a soldier may terminate financial support at any time for any reason in the absence of a court order. However, in this instance, a soldier, who is receiving BAH-Diff based solely on the financial support provided on behalf of the acknowledged child will immediately notify the appropriate finance office so that excess BAH-Diff payments to which the soldier is not entitled may be stopped.

d. Soldiers cannot use their military status or assignment to deny financial support to family members or to evade court orders concerning child support or custody.

e. The provisions of AR 608-99 are intended as **interim** measures until the parties involved arrive at a mutual agreement or resolve the differences in court.

f. Violations of the minimum support requirements of AR 608-99, paragraph 2-4, or child custody provisions of paragraph 2-5 are punishable under Article 92, UCMJ.

g. Minimum support is defined as an amount of money equal to BAH at the “with dependents rate” for which the soldier is eligible. However, a soldier’s entitlement or lack of entitlement to such allowances has no relationship to his/her obligation to provide support.

h. Soldiers that fall into arrears without legal justification or excuse are in violation of AR 608-99. The soldier will pay arrears based on court orders or written support agreements immediately. Commanders can arrange installment payments if payment or lump sum is impractical. Failure to comply with court orders or written support agreements can result in:

(1) Garnishment of the soldier’s pay account (Chap 8).

(2) Initiation of an involuntary allotment against the soldier’s pay account (Chap 9).

(3) Contempt of court proceedings.

(4) Recoupment of BAQ received by the soldier.

i. Soldiers in arrears based on minimum support requirements (no court order) should be encouraged to pay the amount in arrears. However, they **cannot** be ordered to pay this amount.

3. Form and timing of financial support payments.

a. Cash. Unless otherwise required by a court order or by a written financial support agreement, a financial support payment made in case will be personally delivered to the adult family member concerned, or to the adult having custody of the child concerned, not later than the first day of the month following the month to which the financial support payment pertains (by 1 October if paying support for the month of September). Soldiers making cash payments should obtain a receipt or other proof that the payments were made.

b. Check. Unless otherwise required by a court order or by a written agreement, a financial support payment by check or money order will be deposited in first class mail with proper postage affixed and addressed to the adult family member concerned, or the adult having custody of the child concerned, not later than the first day of the month following the month to which the financial support payment

pertains (by 1 October if paying support for the month of September).

c. Non-government housing. As an exception to AR 608-99, paragraph 2-7a (BAH-With), a soldier may comply with the financial support requirements by directly paying non-government housing expenses (i.e., mortgage/lease/rent) on behalf of family members (see AR 608-99 paragraph 2-7d for exceptions). This provision does not apply to financial support required by a court order or written agreement that does not explicitly authorize this type of financial support in kind. Nor does this provision pertain if the supported family member does not reside in the non-government housing in which the soldier pays the living expenses. All other financial support in kind, such as payments made relating to non-government housing expenses such as automobile loans and insurance or charge accounts made to others on behalf of supported family members requires the written approval of the supported family members in order to be credited.

Commander Responsibilities.

a. Inform their soldiers of the DA policy on support of family members.

b. Process and respond to complaints of nonsupport in accordance with AR 608-99, paragraph 3-1.

c. Counsel soldiers when nonsupport complaints are brought against them.

d. Respond to all official messages and correspondence concerning nonsupport claims.

e. Conduct inquiries into allegations of nonsupport.

f. Take appropriate action against soldiers that fail to comply with AR 608-99 or lawful orders based on that regulation. Confer with the Staff Judge Advocate if there are any questions concerning “appropriate actions.” These actions include, but are not limited to, the following:

(1) Denial of Re-enlistment.

(2) Letter of Reprimand.

(3) Administrative Separation from the service.

(4) Recoup BAQ.

(5) Nonjudicial Punishment under Article 15, UCMJ.

(6) Court-Martial.

Off-Duty Employment



References:

- a. DOD Directive Number 5500.7, Joint Ethics Regulation.
- b. AR 215-3, NAF and Related Activities.

SME: Staff Judge Advocate.

Department of the Army Policy. Unless authorized in accordance with law or regulations to use such time for other purposes, an employee (soldiers and civilians) shall use official time in an honest effort to perform official duties. By working a civilian job during duty hours, the soldier cheats the public by receiving pay for official duties he did not perform.

General Information.

- a. When required by the commander, soldiers must obtain prior approval before engaging in outside employment or activities. The employment may be denied if it detracts from readiness or poses a security threat.

- b. Commanders and supervisors must weigh the risk to the soldier's health and duty performance. Possible injuries while working a second job or long hours can impair a soldier's ability to function during regular duty hours.

- c. Outside employment during official duty is strictly prohibited.

Commander Responsibilities.

- a. Counsel the soldier on the conditions of his/her request. Approve/disapprove in writing all off-duty employment of soldiers under his/her command.

- b. Ensure a Line of Duty investigation is initiated for all injuries, regardless of which medical facility treated the soldier or who paid for the treatment.

- c. Periodically review the off-duty employment, and decide the soldier's eligibility.

Physical Fitness Training And Testing



Reference: AR 350-41, Training in Units, 19 March 1993.

SME: Command Sergeants Major.

Department of the Army Policy.

a. Conditioning for combat readiness is the focus of all physical fitness training. Commanders must design unit programs to take the base level fitness defined by the Army Physical Fitness Test (APFT) and raise it to meet or exceed mission related physical performance requirements.

Mission-related physical fitness goals do not include increased APFT standards.

b. The intent of the APFT in the Army Physical Fitness Program is to provide a periodic assessment of a viable physical fitness program. The purpose of physical fitness testing is to give soldiers an incentive to stay in good physical condition and to allow commanders a means of assessing the general fitness levels of their units. The APFT will not form the foundation of unit or individual fitness program.

c. References (a.) and (g.) define procedures and responsibilities concerning physical fitness training and readiness. Special fitness programs are described in FM 21-20, Chapter 1. Special programs are appropriate for soldiers who have difficulty meeting unit or Army standards. Such programs will not be punitive in nature; they must be designed to build up soldiers, not tear them down. Special fitness programs may be needed for soldiers who fail to meet Army APFT standards.

General Information.

a. Commanders may establish unit APFT goals, which exceed Army minimum standards. These special programs should be conducted as part of the regularly scheduled PT program (during the duty day). It should not be additional PT. Commanders should tailor those programs according to FM 21-20. Units that establish higher fitness goals should do so based on unit missions requiring soldiers to be more than minimally fit. (These are generally associated with Ranger, Light Infantry, LRSD, and similar type units).

b. Units will conduct PT at least three to five times per week. Physical training is conducted during the normal duty day.

c. Commanders will conduct physical fitness programs that enhance the soldier's ability to complete essential individual combat tasks. Preparation for the APFT is of secondary importance.

d. Soldiers will not participate in PT that violates a current valid physical profile. Commanders should speak frequently with

unit physicians/PAs to fully understand the intent/conditions of the profile and to determine what is appropriate for the soldier. All profiles are not blanket exemption from participating in PT.

e. All soldiers, ages 40 and over, will be evaluated for coronary heart disease risk factors as part of their periodic physical examination. The medical procedures for the CVSP are outlined in AR 40-501. It is a soldier's responsibility to ensure that the CVSP is conducted in a timely manner. Uncleared soldiers may continue their current level of exercise during the evaluation process, including participation in unit or individual programs but they will not be permitted to take the APFT until cleared.

f. Active Army soldiers will take the APFT twice a year, with a minimum of 4 months separating record tests, if only two record tests are given. Commanders may administer the APFT as often as they wish; however, they must specify beforehand when the results are for record purposes. The period between tests will not exceed 12 months. (Note: the APFT is **not** required to be given every six months). For convenience, most units choose to schedule the APFT approximately every six months in order to comply with the requirement for at least two tests per year. Commanders will flag soldiers that fail to take the APFT within the required period in accordance with AR 600-8-2.

g. All events in a record APFT must be completed in the same day. Units will conduct APFT events in the following order: push-ups, sit-ups, and two-mile run.

h. Soldiers in IET will be tested near the end of the course to qualify for completion of basic training, AIT, and OSUT.

i. Officer and warrant officer candidates in pre-commissioning training and commissioned and warrant officers in initial training courses, such as the officer basic course, will be tested at least once (near the end of their course) and must pass the test to graduate.

j. Results of the APFT will be recorded on DA Form 705 (Physical Fitness Test Scorecard), which will be maintained for each soldier. This scorecard will be kept at a central location in the unit and will accompany the soldier's military personnel records jacket at time of permanent change of station.

k. Individuals will be weighed at the time of their record APFT or at least every 6 months according to procedures outlined in AR 600-9.

l. Soldiers who fail the record APFT will re-test three months following the initial failure, or sooner if the soldier and commander believe he/she is ready. Soldiers that fail this re-test are categorized as repetitive APFT failures.

Commander Responsibilities.

a. Establish and conduct physical fitness programs consistent with regulations and the unit's mission.

b. Become familiar with the principles, procedures, and guidelines in FM 21-20.

c. Inform the soldiers prior to testing that the APFT is for record purposes.

d. Establish special programs for soldiers that fail to meet Army and unit standards.

e. Flag soldiers that fail their first APFT or fail to take the APFT in the required period.

f. Initiate action (separation or bar-to-re-enlistment) against soldiers that are repetitive APFT failures.



Promotions



Reference: AR 600-8-19, Enlisted Promotions and Reductions, 13 September 2002.

SME: Military Personnel Division; Command Sergeants Major.

Department of the Army Policy. The purpose of the Army's Enlisted Promotion System is to fill authorized enlisted spaces with the best-qualified soldiers. It provides for career progression and rank that is in line with potential. It precludes promoting the soldier who is not productive or not best qualified, thus providing an equitable system for all soldiers.

General Information. There are numerous work tasks in the promotion process. Those procedures will not be discussed as they are all listed in detail in the promotions regulations. However, commanders should become familiar with the decentralized promotion criteria (PV2/SPC) specified in

AR 600-8-19, Chapter 2, and the semi-centralized criteria (SGT/SSG), specified in Chapter 3. A thorough knowledge of Time in Service/Time in Grade requirements for each grade is necessary for commanders to make informed decisions relevant to their soldiers. The following TIS/TIG requirements are general in nature.

a. Decentralized Advancements (PV2-SPC). Promotions to PV2, PFC, and SPC will be made automatically. Eligibility is as follows:

Rank	Requirement	Waiver
PV2	6 months TIS	4 months TIS
PFC	12 months TIS 4 months TIMIG	6 months TIS 2 months TIMIG
SPC	26 months TIG 6 months TIMIG	18 months TIS 3 months TIMIG

(1) If a unit commander elects not to recommend a soldier for promotion on the automatic promotion date, A DA Form 4187 denying the promotion will be submitted not later than the 20th of the month preceding the month of the automatic promotion.

(2) A DA Form 4187 will not be prepared for soldiers who are automatically promoted.

(3) Soldier flagged or barred from reenlistment at the required time for automatic promotion and later recommended, require a DA Form 4187 and a GRCH transaction to be promoted.

(4) Soldiers promoted prior to the automatic promotion date require a DA Form 4187 and submission of a GRCH transaction to be promoted.

b. Semi-centralized Promotions (SGT-SSG). Promotion to SGT and SSG are executed in a semi-centralized manner. Board appearance, promotion point calculation, promotion list maintenance, and the final execution of the promotions occur in the field in a decentralized manner. Promotion cutoff scores and the monthly SGT/SSG promotion selection by-name list are determined and announced monthly by HQDA. Eligibility criteria for recommendation and promotion is as follows:

Rank	Criteria	Waiver
SGT	36 mo TIS 8 mo TIMIG	18 mo TIS and 4 mo TIMIG for those who have been recommended to compete in the secondary zone.
SSG	84 mo TIS 10 mo TIMIG	48 mo TIS and 5 mo TIMIG for those who have been recommended to compete in the secondary zone.

c. The following are areas in which errors are commonly found:

(1) Counseling/mentoring. Both play an important role in the promotion process.

Soldiers must know what is expected of them, told what to strive for, or what areas to improve in order to achieve promotion. Unit commanders often fail to counsel soldiers who are fully qualified for promotion without waivers. AR 600-20, requires commanders or supervisors to counsel soldiers (SGTs and below) who meet advancement or promotion eligibility, without waiver, but have not been recommended. Counseling should be directed towards those areas in which the soldier needs to improve to qualify for the next higher grade.

(2) Secondary Zone. Soldiers don't have a right to compete for promotion upon attaining secondary zone status. The secondary zone provides incentives to those who strive for excellence. It's for soldiers whose accomplishments, demonstrated capabilities for leadership, and marked potential warrant promotion ahead of their peers. Soldiers recommended for promotion in the secondary zone must be outstanding.

(3) Flagging Actions. Soldiers must be in a promotable status to be promoted. Often soldiers continue to remain flagged after the flagging action has been finalized. Commanders must ensure that flags are removed promptly when finalized.

(4) Promotion Boards. A common error found concerns appointment of board members. The promotion authority, not the president of the board, appoints board members. Additionally, soldiers not recommended for promotion or not attaining enough points to obtain list status must be counseled.

(5) Waiver Allocations. Errors in computing waiver allocations are often encountered. Steps for computing waiver allocations are contained in AR 600-8-19.

Commander Responsibilities.

- a. Ensure Battalion S1 personnel complete required administrative actions.
- b. Ensure soldiers not recommended and fully qualified receive counseling.
- c. Be thoroughly familiar with regulatory guidance on promotions.



Profiles



Reference: AR 40-501, Standards of Medical Fitness, 30 September 2002.

SME: Medical Treatment Facility Manager.

Department of the Army Policy.

a. Physical profiling is the Army's method of classifying a soldier's functional ability. Every soldier has a permanent profile. Soldiers receive their permanent physical profile at the time of enlistment, appointment or induction.

b. Temporary profiles are intended to allow soldiers to properly recover from illness or injury. Commanders must consult with medical personnel to determine what physical training and duty requirements the profiled soldier can perform. The intent of a profile is to assist the soldier in fully returning to duty in the fastest, safest manner possible. A profile does not constitute a blanket authority to miss PT or avoid normal duty.

General Information - Permanent Profile.

a. A physical profile is made up of six factors: physical capacity, upper extremities, lower extremities, hearing and ears, eyes, and psychiatric. The letters P-U-L-H-E-S represents these factors.

b. Each factor is rated on a scale of 1 to 4. These factors represent limits to classification or assignment.

(1) 1 = no limitations.

(2) 2 = possible limitations.

(3) 3 = limitations required.

(4) 4 = drastic limits to military duties.

c. A permanent change to a soldier's profile must be made by one of the following: physician, dentist, optometrist, podiatrist, or audiologist. Commanders of Army Medical Treatment Facilities (MTF) must designate individuals as profiling officers.

d. Designated profiling officers make changes to a soldier's profile using DA Form 3349, Physical Profile. The profiling officer indicates duty limitations in block 3. These limitations must be legible, specific, and in lay terms. In blocks 5, 6, 7, and 9 the profiling officer indicates what physical activities the soldier can perform.

e. A physical profile board (PPBD) reviews the decisions of profiling officer for the MTF commander. Once a PPBD rules on a profile, that decision is official. PPBDs review decisions in the following instances:

(1) Permanent change of profile to or from a “3” or “4”.

(2) Return to duty after six months of hospitalization.

(3) A profile rating of “2” that requires significant assignment limitations.

(4) The MTF commander directs a review in controversial cases.

(5) Upon request from the unit commander.

f. The commander or profiling officer will refer soldiers getting a new permanent “3” or “4” profile rating in one or more PULHES factors to a MOS/Medical Retention Board (MMRB) for evaluation. The MMRB determines if a soldier can perform their duties in a worldwide field environment. The MMRB recommends one of the following to the convening authority:

(1) Retain the soldier in PMOS or specialty code. The soldier is returned to duty within the limits of the profile.

(2) Reclassify the soldier. If the convening authority agrees, U.S. Personnel Command will evaluate the soldier for reclassification.

(3) Probationary status. The MMRB will re-evaluate the soldier at the end of the period not to exceed six months.

(4) Referral to the Army’s physical disability system. In this instance, the MMRB determined that the soldier’s condition prevents further duty in any MOS or specialty. The soldier’s case is then sent to the Medical Evaluation Board (MEBD). This begins a process that will decide if the

soldier is retained or separated from the service.

General Information - Temporary Profile.

a. A soldier should perform his normal duties to the maximum extent permitted by the profile.

b. Unit Master Fitness Trainer (MFT) or commander should provide profiled soldiers with guidance on reconditioning exercises and diet for the duration of the profile.

c. Commanders should provide an alternate aerobic activity for soldiers with profiles that prohibit running. FM 21-20, Chapter 2, provides alternate aerobic activities.

d. Temporary profiled soldiers do not take the APFT if their profile prohibits them from participating in any APFT event. Once the profile period ends, the soldier is authorized a training period twice the length of the profile (not more than 90 days) to prepare for the APFT. If a scheduled APFT occurs during the profile period, the soldier is given a mandatory APFT date. The mandatory APFT will be given to the soldier on the last day of the training period.

e. Soldiers with temporary profiles of three months or more may be administered the alternate APFT. Profiled soldiers are given three months to prepare for the alternate test. The alternate test is outlined in FM 21-20.

f. Profiling of soldiers is limited to physicians, dentists, podiatrists, audiologists, physical therapists, physician’s assistants, nurse midwives, and nurse practitioners.

g. Physicians assistants, nurse midwives, and nurse practitioners may only award temporary profiles for a period of 30 days or less. A physician must confirm profiles longer than 30 days or extensions of profiles beyond 30 days, except for pregnancy.

Commander Responsibilities.

a. Ensure that all soldiers are utilized to the fullest extent possible within the limits of their profile.

b. Coordinate with health care personnel to maintain, monitor, and improve the health and physical abilities of assigned personnel.

c. Refer soldiers to a PPBD when their profile does not correctly reflect their functional ability.

d. Do not violate a soldier's profile or require a soldier to violate his profile.

e. Utilize the MFT to develop and monitor fitness programs to assist the soldier in recovering from their injuries.

Reenlistment



References.

- a. AR 601-280, Total Army Retention Program, 31 March 1999.
- b. AR 600-8-2, Suspension of Favorable Personnel Actions (Flags), 30 October 1987.
- c. AR 635-200, Enlisted Personnel, 1 November 2000.
- d. DA PAM 600-8, Management and Administrative Procedures, 1 August 1986.

SME: Post Retention Sergeant Major.

Department of the Army Policy. DA policy is that only those soldiers who have maintained a record of acceptable performance will be offered the privilege of reenlisting within the Active Army,

transferring, or enlisting into the RC. Other soldiers will be separated under appropriate administrative procedures or barred from reenlistment under Chapter 8.

Commander's Responsibilities. These officers will—

- a. Execute duties and responsibilities as Retention officers.
- b. Develop, implement, and sustain an Army Retention Program, accomplishing assigned missions, tasks, functions, and fulfill responsibilities as established by AR 601-280 and higher headquarters. Monitor monthly, quarterly, and FY retention statistics and trends, adjusting command emphasis and resources as required to accomplish assigned missions.
- c. Ensure all reenlistment and RC enlistment/transfer counseling is conducted in a timely manner and remarks appropriately documented, as required by Chapter 5 and Appendix C, AR 601-280. Inspect the Army Retention Program, most notably the Reenlistment Data Card file, at a minimum on a monthly basis.
- d. Develop and implement an Army Retention Incentive Program, enhancing mission accomplishment, recognizing those persons who either reenlist, extend under the BEAR Program, special programs, or enlist/transfer into an RC unit. Specifically, the commander will offer incentives, or additional incentives, to soldiers reenlisting in the Active Army or affiliating with the

RC as required by AR 601-280, paragraph 1-5. The program will be announced by memorandum, dated, signed by the current commander, maintained by the additional duty Reenlistment NCO, well publicized throughout the unit, and posted on the unit retention bulletin board.

e. Encourage maximum attendance at reenlistment ceremonies by the soldier's co-workers and fellow unit members.

f. Ensure the company reenlistment NCO is provided sufficient time to carry out retention duties, while remaining proficient in his/her PMOS, to include attending retention meetings, seminars, and conferences as announced by higher headquarters.

Qualification of a Soldier for Reenlistment.

a. Age (Non-Waivable).

(1) A soldier must be 18 years of age or older on the date of reenlistment and not more than 55 years old at the new ETS. Soldiers who will have completed 20 or more years of active Federal Service on their 55th birthday may be reenlisted or extended to complete 20 years' active Federal service provided they meet the below listed requirements.

(2) Soldiers who will not have completed 20 years of active Federal service on their 55th birthday may be reenlisted or extended to complete 20 years active Federal service provided they meet the below listed requirements: (a) The soldier is an enlisted soldier otherwise qualified for reenlistment, or is an Army commissioned or warrant officer released from active duty; (b) The soldier can complete 20 years active

Federal service before his or her 60th birthday.

b. Citizenship (non-waivable). A soldier must meet one of the following criteria:

(1) The soldier is an enlisted soldier otherwise qualified for reenlistment, or is an Army commissioned or warrant officer released from active duty.

(2) Be an alien who has been lawfully admitted to the United States for permanent residence. Aliens who will have in excess of 8 years of Federal military service at the expiration of the period for which they are seeking to reenlist are disqualified from reenlistment.

(3) Be an American Samoan National.

(4) Be a citizen of the Federal States of Micronesia (FSM), the Republic of Palau (ROP). By presidential proclamation and a joint resolution of Congress, these citizens are authorized and have a right to enlist and serve in the U.S. Armed Forces. Soldiers from these islands may reenlist without being required to become U.S. citizens.

c. Trainability (Nonwaivable).

(1) Initial term soldiers requesting reenlistment must possess aptitude area score of 85 or higher in any three aptitude areas of the ASVAB. Soldiers in the rank of SGT or higher are exempt from the score requirements.

(2) Soldiers on their second or subsequent enlistment are exempt from all attitude area score requirements.

(3) Aptitude areas scores will be used to determine reenlistment eligibility.

(4) Initial term soldiers who did not attain the aptitude score required above may be retested on the Armed Forces Classification Test (AFCT) under AR 611-5 and DA Pam 600-8.

d. Education (Non-waivable).

(1) Soldiers must possess a GED, high school diploma, or 15 or more semester hours of college to be eligible for reenlistment. Soldiers must also meet all educational requirements of the specific option for which reenlisting.

(2) Special training qualifications may be determined from official transcripts, or by a statement signed by the soldier certifying that he or she has the specific school training or courses required. Soldiers signing these statements who are found not to have the schooling required will have committed a fraudulent reenlistment.

(3) Initial term soldiers who do not possess a GED, high school diploma, or 15 or more semester hours of college, and incur a DA imposed Service Remaining Requirement are exempt from (1) and (2) above.

e. Medical and Physical Fitness.

(1) Soldiers must meet the medical retention standards of AR 40-501, Chapter 3, or have been found physically qualified to perform in his or her PMOS per AR 635-40. Soldiers who have been found qualified for retention by a PEB will not be denied reenlistment under this provision. Soldiers pending MMRB action per AR 600-60 will not be reenlisted until the MMRB action has been finalized; however, they may be

extended for the minimum time necessary to complete the MMRB action.

(2) Soldiers must have passed their most recent APFT, within the nine-month period prior to date of reenlistment.

(a) Soldiers with permanent physical profiles, which prevent taking the APFT, are exempt from the requirements of (2) above.

(b) Soldiers with temporary physical profiles which preclude administration of an APFT, but who have passed an APFT within the preceding nine months to the date of awarding the profile, are eligible for reenlistment.

(c) Soldiers with temporary physical profiles who are not qualified for reenlistment under (b) above may be extended for not more than seven months to allow removal of the profile and administration of an APFT.

(d) Soldiers who do not meet the qualifications (2)(a), (b), or (c) above, and are unable to be administered an APFT through no fault of their own, may be granted waivers by the GCMCA or the first general officer in their chain of command.

f. Weight Control (Nonwaivable).
Soldiers (except those in para (2) below) placed in the Weight Control Program, per AR 600-9, are not allowed to extend or reenlist unless they are in the Active Army, and—

(1) Have a temporary or permanent physical medical condition that precludes weight loss, are otherwise physically fit, and have performed their duties in a satisfactory manner

(2) Soldiers who are under medical care for pregnancy (birth of the child plus 7 months) and exceed the weight standards of AR 600-9.

g. Rank (Non-waivable). A soldier may not exceed the retention control points as shown below, by more than 29 days before expiration of contracted service (reenlistment or extension. The Retention control points are as follows:

Retention Control Points	Total Active Service Years
PVT-PFC	3
CPL/SPC	10
CPL/SPC (P)	15
SGT	15
SGT (P)	20
SSG	20
SSG (P)	22
SFC	22
SFC (P)	26
1SG/MSG	26
1SG/MSG (P)	30
CSM/SGM	30

Relationships Between Soldiers of Different Rank



References:

a. AR 600-20, Army Command Policy, 15 July 1999.

b. DA PAM 600-35, Relationships Between Soldiers of Different Rank, 21 February 2000.

c. USASC&FG Reg 600-9, Permanent Party - Student Relationship.

d. USASC&FG Policy Memorandum No. 6, Improper Superior/Subordinate Relationships (Fraternization).

Department of the Army Policy.

Relationships between soldiers of different rank are prohibited if they—

- a. Compromise, or appear to compromise, the integrity of supervisory authority or the chain of command.
- b. Cause actual or perceived partiality or unfairness.
- c. Involve, or appear to involve, the improper use of rank or position for personal gain.

d. Are or are perceived to be, exploitative or coercive in nature.

e. Create an actual or clearly predictable adverse impact on discipline, authority, morale, or the ability of the command to accomplish its mission.

General Information.

a. Custom acknowledges that leadership and obedience are founded in sincere, deeply held emotional bonds. Leaders affectionately care for their soldiers, and soldiers hold deep caring affection for their leaders. Building these emotional ties is a mark of good leadership. Neither leaders nor followers ought to act in ways that corrupt these bonds.

b. A relationship between two soldiers having a detrimental effect on the authority of the senior service member has generally been regarded as “fraternization.” Fraternalization is chargeable as a violation of Article 134, UCMJ. The criminal offense of “fraternization” is different from a violation of the Army’s regulatory policy regarding relationships between soldiers of different rank.

c. Commanders have the responsibility to articulate what is improper. If the commander becomes aware of a relationship that has the potential for creating an appearance of partiality or preferential treatment, counseling the soldiers concerned is usually the most appropriate initial action. This also generally holds true for those relationships that involve on the appearance of partiality and have had no adverse impact on discipline, authority, or morale.

d. Certain types of personal relationships between officers and enlisted personnel are prohibited. Prohibited relationships include—

(1) On-going business relationships between officers and enlisted personnel. This prohibition does not apply to landlord/tenant relationships or to one-time transactions such as the sale of an automobile or house, but does apply to borrowing or lending money, commercial solicitation, and any other type of on-going financial or business relationship. Business relationships that exist at the time this policy becomes effective, and that were authorized under previously existing rules and regulations, are exempt until March 1, 2000. In the case of Army National Guard or United States Army Reserve personnel, this prohibition does not apply to relationships that exist due to their civilian occupation or employment.

(2) Dating, shared living accommodations other than those directed by operational requirements, and intimate or sexual relationships between officers and enlisted personnel. This prohibition does not apply to—

(a) Marriages prior to March 1, 2000.

(b) Situations in which a relationship would move into non-compliance due to a change in status of one of the members (i.e. two enlisted members are married and one is subsequently commissioned or selected as a warrant officer).

(c) Personal relationships outside of marriage between members of the National Guard or Army Reserve, when the relationship primarily exists due to civilian

acquaintanceships, unless the individuals are on active duty for full-time National Guard duty.

(d) Personal relationships outside of marriage between members of the Regular Army and members of the National Guard or Army Reserve when the relationships primarily exists due to civilian association and the Reserve component member is not on active duty.

e. Trainee and soldier relationships. Relationships between permanent party personnel and IET trainees not required by the training mission are prohibited. This prohibition applies to permanent party officers and noncommissioned officers without regard to the installation of assignment of the permanent party member or IET trainee.

Commander Responsibilities.

a. Commanders will counsel those involved or take other action, as appropriate, if relationships between soldiers of different rank:

(1) Cause actual or perceived partiality or unfairness.

(2) Involve the improper use of rank or position for personal gain.

(3) Create an actual or clearly predictable adverse impact on discipline, authority, or morale.

b. Commanders will brief all personnel on permanent party - student relationships semiannually.

Reprisals Against Whistleblowers



References:

- a. AR 20-1, Inspector General Procedures and Activities, 1 March 2002.
- b. AR 600-20, Army Command Policy, 15 July 1999.
- c. DOD Directive 7050.6, Military Whistle-blower Protection.

SME: Inspector General; Staff Judge Advocate.

Department of the Army Policy.

a. Military Whistleblower Protection Act. Department of the Army personnel are prohibited from taking acts of reprisal against any soldier for filing a complaint of unlawful discrimination or sexual harassment.

(1) No person shall restrict a member of the Armed Services from making a protected communication with a member of Congress, an Inspector General, a member of a DOD audit, inspection, investigation, or law enforcement

organization, or any other person or organization (**including any person or organization in the chain of command**) designated under AR 600-20 or other administrative procedures to receive such communication.

(2) Soldiers shall be free from reprisal for making or preparing a protected communication.

(3) No employee or soldier may take or threaten to take an unfavorable personnel action, or to withhold or threaten to withhold a favorable personnel action, in reprisal against any soldier for making or preparing a protected communication.

General Information.

a. A reprisal is defined as taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making or preparing a protected disclosure.

b. A protected disclosure is a lawful communication to a member of Congress; an Inspector General; a member of a DOD audit, inspection, investigation, or law enforcement organization; or a member of the chain of command in which a military member communicates information that the member reasonably believes evidences:

(1) A violation of law or regulation.

(2) Sexual harassment or unlawful discrimination.

(3) Mismanagement.

(4) A gross waste of funds or other resources.

(5) An abuse of authority.

(6) A substantial and specific danger to public health or safety.

c. A personnel action is any action regarding a military member that affects or has the potential to affect the military member's current position or career. Such actions include a promotion; disciplinary or other corrective action; a transfer or reassignment; a performance evaluation; a decision on pay, benefits, awards, or training; a referral for mental health evaluation; and any other significant change in duties or responsibilities inconsistent with the military member's rank.

d. Members of the Armed Forces shall be free from reprisal for making or preparing a protected communication.

e. No person may take or threaten to take an unfavorable personnel action, or withhold or threaten to withhold a favorable personnel action, in reprisal against any member of the Armed Forces making or preparing a protected communication.

f. Any violation of 3e, above, by a person subject to Chapter 47, Title 10, U.S.C., (Uniform Code of Military Justice) is punishable as a violation of Article 92, UCMJ, Section 892. Any violation of 3e, above, by a civilian employee is punishable under regulations governing disciplinary or adverse actions.

g. Persons making protected disclosures are protected against reprisal by the Whistleblower Protection Act of 1992. Allegations of reprisal will be reported to the DOD IG, who will determine which

investigating agency will work the case. **Investigations will focus on the reprisal and not the complainant.**

h. Soldiers gain two protections when they take their complaints directly to the DOD IG:

(1) They can request relief from the Army Board for Correction of Military Records, which must be decided in 180 days.

(2) They can appeal the decision to the Secretary of Defense.

i. **The burden of proof is on the supervisor/commander to prove there was no reprisal.**

Commander Responsibilities.

a. Ensure complainants are protected from reprisal or retaliation for filing equal opportunity complaints. Should soldiers be threatened with such an act, or should an act of reprisal occur, they must report these circumstances to the Inspector General. If the allegation of reprisal is made known to any agency authorized to receive complaints; the agency should refer the complaint to the Inspector General. It is strongly encouraged to simultaneously report such threats or acts of reprisal to the appropriate chain of command.

b. Assume the burden of proof of any allegations of reprisals within his/her command.

Rights Warning Procedures

References:

- a. UCSM, Article 31 (b).
- b. DA Form 3881 (Rights Warning Procedure/Waiver Certificate).

SME: SJA Trail Defense/Criminal Law.

Example: Your supply sergeant has been seen taking government property from the supply room then transporting it to an unknown location.

Question: When do you inform the soldier of his rights?

Answer: Commander and other soldiers are prohibited from interrogating or requesting a statement from a person who is suspected or accused of committing an offense without first providing the suspect/accused with a proper rights warning.

Department of the Army Policy.

- a. No person may compel any person to incriminate himself/herself or to answer any question the answer to which may tend to incriminate him/her.
- b. No person subject to the UCMJ shall interrogate, or request any statement from an accused or a person suspected of an offense without first informing him/her of the nature of the accusation and advising him/her that he/she does not have to make any statement regarding the offense of which he/she is

accused or suspected and that any statement made by him/her may be used as evidence against him/her in a trial by court-martial.

- c. No person may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him/her.

- d. No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement may be received in evidence against him in a trial by court-martial.

DA Form 3881 (Rights Warning Procedure/Waiver Certificate).

- a. A rights warning procedure/waiver certificate should be used when possible. Step by step instructions for completing this form are printed on the back.

- b. Commanders should always carry the DA Graphics Training Aid 19-6-6 (June 1991). This wallet size card contains the verbal rights warning to be read verbatim when the DA Form 3881 is available.

Serious Incident Reports



References:

- a. AR 190-40, Serious Incident Report.
- b. USASC&FG Reg 210-2, USASC&FG Operations During Non-duty Hours.
- c. Policy Memorandum - TRADOC Operations Reporting (TRADOC OPREP).
- d. Policy Memorandum - Incident Reporting Procedures.
- e. TRADOC Reg 350-12, Trainee Abuse Reporting.

Department of the Army Policy.

- a. HQDA is concerned with incidents based on its severity, potential for adverse publicity, potential consequences of the incident and the effect of the incident on readiness or the perception of readiness of the U.S. Army.
- b. **Submission of a Serious Incident Report (SIR) will not be delayed due to incomplete information.** Additional

required information will be provided in a subsequent add-on report.

General Information.

- a. There are three types of SIRs:

- (1) SIR, original report.

- (2) “Add-on” submitted to provide information not available at the time of the original report or when more pertinent information, such as results of autopsy, identification of subject, and so forth, is developed, or in response to a request for more information from HQDA.

- (3) “Correction” submitted at any time to correct an error in a previous report.

- b. AR 190-40, Appendix B and Appendix C, list **actual or alleged** incidents that require **immediate** reporting by the commander. Reference C is an expanded list that the TRADOC Commander has determined to be of immediate concern to HQDA based on the nature, gravity, potential for adverse publicity, or potential consequences of the incident.

- c. The following are some of the incidents or events that will be reported. Refer to the above references for a more complete list:

- (1) Accidents or incidents that result in death or critical injuries that could result in death.

(2) Any accident, event, or incident if adverse publicity is expected.

(3) Serious crimes (aggravated assault; kidnapping; rape; larceny exceeding \$10,000; murder or attempted murder).

(4) Lost or stolen weapons.

(5) Bomb threats involving TRADOC installations.

(6) Environmental accidents.

(7) Suicide or attempted suicide.

Commander's Responsibilities.

a. Commanders/directors **will immediately notify** the SGS during duty hours, or Center Duty Officer (CDO) after duty hours, **and** the Directorate of Public Safety (DPS) of the events or incidents listed in the above references.

b. Commanders will ensure that his subordinate leaders are aware of the urgency of reporting serious incidents immediately throughout the chain of command.

c. Commanders or his subordinates will not delay any SIRs in an attempt to collect more information concerning the incident.

Sexual Harassment

Reference. AR 600-20, Army Command Policy.

SME: Installation Equal Opportunity Officer.

Department of the Army Policy.

a. Army policy is to provide equal opportunity and treatment without regard to race, color, religion, gender, or national origin and to provide an environment free of sexual harassment.

b. Sexual harassment is not limited to the workplace--it can occur at almost any place. Sexual harassment violates acceptable standards of integrity and impartiality required of all Army personnel. It interferes with mission accomplishment and unit cohesion and will not be engaged by soldiers or DA civilians.

General Information.

a. The biggest factor contributing to improper sexual treatment is the lack of understanding of what sexual harassment is. There isn't always a clear distinction between what is and what is not sexual harassment. Opinions vary between what actions are acceptable and what actions are prohibited.

b. Sexual harassment is a form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature, when any of the following occurs: **("Unwelcomed" is determined by the recipient).**

(1) Submission to the authority or control of another or rejecting such conduct.

(a) Is stated or implied as a term or condition of a person's job, pay, or career.

(b) Is used as a basis for career or employment decisions affecting that person.

(2) Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

c. Any soldier or civilian employee is engaging in sexual harassment when:

(1) In a supervisory or command position--

(a) Uses or condones implicit or explicit behavior, or

(b) Uses such behavior to control, influence, or affect the career, pay, or job of a person.

(2) Makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature.

Commander Responsibilities.

a. Understand and be knowledgeable of what constitutes an act of sexual harassment.

b. Acknowledge that sexual harassment exists, and educate yourself and your personnel on methods of prevention.

c. Report sexual harassment and treat each allegation of sexual harassment with the seriousness it deserves.

d. Don't tolerate sexual harassment and take action if you observe or hear it. **Many problems could be alleviated if**

commanders/supervisors would act on complaints in a timely, sensitive manner.

e. Realize that sexual harassment happens to both men and women.

Sponsorship Program



Reference. AR 600-8-8, The Total Army Sponsorship Program.

Department of the Army Policy. Every soldier, in the ranks of private through colonel and civilian employees through grades 15, undergoing PCS moves will be offered the opportunity to participate in the advance arrival sponsorship program.

General Information.

- a. The sponsorship program--
 - (1) Is a peacetime function.
 - (2) Does not deploy with the tactical force.

- (3) Is the functional responsibility of the Strength Management Branch (military) and CPAC (civilian).

- b. A welcome letter will be sent from the battalion commander (for officers); command sergeant major (for enlisted soldiers); or activity director (for civilian employees) to the incoming soldier or civilian employee within 10 calendar days, following the receipt of DA Form 5434, Sponsorship Program Counseling and Information Sheet.

- c. Standards are to forward DA Form 5434 received by higher echelons within three working days of receipt to appoint sponsors, unless the soldier declines, within 10 calendar days of receipt of DA Form 5434; and to forward the welcome letter and information within 10 calendar days of appointment.

Command Responsibilities.

- a. Ensure that DA Form 5434 is forwarded and responded to in a timely manner.
 - b. Ensure sponsors respond to any correspondence within 10 working days of receipt from incoming personnel.

Standards Of Conduct



References:

- a. DOD Directive 5500.7, "Standards of Conduct."
- b. DOD Directive 5500.7-R, "Joint Ethics Regulation."
- c. AR 600-20, Army Command Policy.
- d. FM 100-1, The Army.

SME: Staff Judge Advocate.

Department of the Army Policy.

- a. Government service or employment, as a public trust, requires soldiers and Army civilians to act with integrity and abide by the values of the Professional Army Ethic by placing loyalty to country, ethical principles and law above private gain and other interests.
- b. DA personnel will avoid any action that might result in or reasonably be expected to create the appearance of the following:

- (1) Using public office for private gain.
- (2) Giving preferential treatment to any person or entity.
- (3) Impeding Government efficiency or economy.
- (4) Losing independence or impartiality.
- (5) Making a Government decision outside official channels.
- (6) Adversely affecting the confidence of the public in the integrity of the Government.

General Information.

- a. Government facilities, property, and work assistance will be used only for official Government business. This includes, but is not limited to, stationery, stenographic services, typing assistance, duplication, computer facilities, and chauffeur services.
- b. Army Career and Alumni Program (ACAP) qualified personnel may use Government office equipment to conduct job searches on official time to do what ACAP would have done for them.
- c. DA Personnel may not participate, on behalf of the Government, in any matter involving an organization with which they are negotiating employment.

d. “Negotiating “ includes any action by DA personnel that reasonably could be construed as an indication of interest in future employment. Examples include sending letters or resumes, making telephone inquiries, or failing to clearly reject a proposal from the entity’s representative regarding future employment. It is not necessary that there be any firm offer of employment.

e. There are several statutory restrictions affecting retired officer employment or activities with Government contractors and other entities dealing with the Government, commercially or otherwise. Generally, there is no prohibition on the use of general professional knowledge acquired while on active duty in connection with employment. The applicability of the specific restrictions

depends on the nature of former duties, the extent of former official involvement in activities/projects affecting the potential employer, and the nature of the proposed employment.

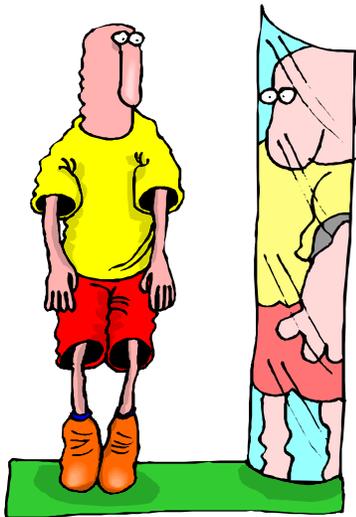
Commander Responsibilities.

a. Ensure that DA personnel avoid situations in which their integrity or that of the U.S. Government is placed in jeopardy.

b. Brief personnel on the values of the Professional Army Ethics through OPD/NCOPD.

c. Brief personnel on Army Values (Leadership).

Weight Control Program



References.

- a. AR 600-9, The Army Weight Control Program.
- b. AR 600-8-2, Suspension of Favorable Actions.
- c. AR 600-8-24, Officer Transfers and Discharges.
- d. AR 635-200, Enlisted Personnel.

Department of the Army Policy.

- a. Each soldier is responsible for meeting the standards in AR 600-9. Commanders and supervisors will monitor all members of their command to ensure that they maintain proper body weight, body composition, (body fat in relation to weight) and personal appearance.
- b. Excessive body fat indicates a lack of personal discipline, detracts from military appearance, and may indicate a poor state of

health, fitness, or stamina. Self discipline to maintain proper weight distribution and high standards of appearance are essential to every soldier in the Army.

c. Soldiers will conform to the body fat standards in AR 600-9, paragraph 20c. Soldiers that exceed these body fat standards are considered overweight. Body fat composition will be determined for personnel--

(1) Whose body weight exceeds the Screening Table Weight in Table 1, AR 600-9.

(2) When the unit commander or supervisor determines that the individual's appearance suggests that body fat is excessive.

d. Soldiers who are overweight will be counseled by health care personnel, entered into a weight control program, and flagged in accordance with AR 600-8-2.

e. Once a commander places a soldier in the Army Weight Control Program (AWCP), that soldier must lose from 3-8 pounds per month. This level of monthly weight loss must be met unless prevented by a medical condition.

(1) Soldiers who fail to make this progress for two consecutive months are subject to separation proceedings.

(2) Commanders will initiate a mandatory bar to re-enlistment and/or administrative separation against soldiers who fail to make satisfactory progress after being placed on the AWCP for **six months**.

f. If a soldier becomes overweight within 12 months of the date of removal from the AWCP and there is no underlying or associated disease process causing the condition, that soldier's commander will initiate separation proceedings against the soldier.

g. Soldiers who become overweight after the 12th month but within 36 months of removal from the AWCP get 90 days to meet the standards or become subject to separation proceedings.

h. Soldiers who meet body fat standards and become pregnant will be exempt from the standards for the duration of the pregnancy plus the period of convalescent leave after termination of pregnancy.

Commander Responsibilities.

a. Become familiar with AR 600-9.

b. Ensure that every soldier is weighed once every six months.

c. Ensure that every soldier that exceeds his or her screening table weight (AR 600-9, Table 1) is taped to determine his or her body fat content. Procedures for determining body fat content are located in AR 600-9, Appendix B.

d. Have medical personnel determine if there is a medical problem causing the soldier's weight condition. AR 600-9 contains a sample memorandum to the Medical Department Activity (MEDDAC).

e. If no medical reason exists, enter the soldier in the AWCP. This should be done in writing. AR 600-9 contains a sample memorandum.

f. Flag soldiers entered in the AWCP in accordance with AR 600-8-2.

g. Provide all soldiers with guidance and information on diet and exercise to control weight.

h. Conduct monthly weigh-ins for soldiers in the AWCP. Body fat evaluations may also be done to assist in the measuring process.

i. Remove soldiers from the AWCP once they meet the body fat content standards of AR 600-9. Do not use the screening table weight standards to remove soldiers from the AWCP.

j. Initiate a bar to re-enlistment and/or administrative separation against soldiers that fail to make satisfactory progress in the AWCP after six months. Inform the soldier in writing.

k. Soldiers who exceed the screening table weight but do not exceed the allowable percent body fat standards will not be subject to punitive action. Soldiers whose appearance suggests that body fat is excessive should be advised of their options to seek health care personnel for a proper dietary program or the Master Fitness Trainer for assistance in establishing a physical training program.