



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20350

SECNAVINST 5402.28A
OP-141C3
27 July 1984

SECNAV INSTRUCTION 5402.28A

From: Secretary of the Navy

Subj: DELEGATION OF AUTHORITY FOR DETERMINING COMPENSATION AND
CONDITIONS OF EMPLOYMENT OF NON-U.S. CITIZEN EMPLOYEES IN
OVERSEAS AREAS

Ref: (a) Department of Defense Instruction 1400.10 of
5 December 1980
(b) Department of Defense Instruction 1416.8 of
5 December 1980 (NOTAL)
(c) Department of Defense Manual DOD 1416.8-M of 5 June
1981 (Change 1) (NOTAL)

1. Purpose. To delegate authority to the Department of the Navy (DON) Component Commanders as necessary to establish compensation benefits and terms and conditions of employment for non-U.S. citizen employees; to enable effective participation in joint committees for coordination of personnel administration; and to provide general guidance for administration of the delegated authorities.

2. Cancellation. SECNAVINST 5402.28 and SECNAVINST 5402.29A.

3. Applicability. This instruction applies to non-U.S. citizen appropriated and nonappropriated fund employees of the Department of the Navy in the United States Pacific Command (PACOM), the United States European Command (USEUCOM), and Iceland, except for employees of the Civilian Marine Service of the Military Sealift Command and employees of activities in foreign areas authorized to use Local National compensation plans and employment regulations of the U.S. State Department foreign service posts under the Memorandum of Agreement between the Department of State and the Department of Defense (DOD). The provisions of this instruction are extended to include second country nationals, also known as non-immigrant alien (NIA) employees of the Department of the Navy performing work in U.S. territories.

4. Delegation of Authority. By reference (a), authority to establish salaries, wages, fringe benefits, and related compensation matters for non-U.S. citizen employees was delegated to the Secretaries of the military departments for redelegation to Service Component Commanders in PACOM, USEUCOM, and Iceland. This authority together with authority to establish terms and conditions of employment is redelegated as follows:

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a. PACOM and USEUCOM. All authority vested in the Secretary of the Navy is redelegated through the Chief of Naval Operations to the Commander in Chief, U.S. Pacific Fleet (CINCPACFLT) and the Commander in Chief, U.S. Naval Forces Europe (CINCUSNAVEUR) with respect to compensation and other terms and conditions of employment of non-U.S. citizen appropriated and nonappropriated fund employees of the Department of the Navy in their respective commands.

b. Iceland. All authority vested in the Secretary of the Navy is redelegated through the Chief of Naval Operations and the Commander in Chief, U.S. Atlantic Fleet (CINCLANTFLT), to the Commander, U.S. Naval Forces, Iceland (COMNAVICE) with respect to compensation and other terms and conditions of employment of direct hire non-U.S. citizen appropriated and nonappropriated fund employees of the Department of the Navy in Iceland.

c. Other Areas. See paragraph 6 for areas not covered by this authority.

5. Guidelines

a. Officials of the Department of the Navy having responsibilities under the above delegations of authority shall apply the provisions of references (a) through (c) and any controlling treaties and agreements.

b. Reference (a), as supplemented by reference (b), specifies that the Unified Commanders in Chief, or equivalent for the Area, shall establish joint personnel committees with Service Component Commander representation as applicable to the situation. CINCPACFLT and CINCUSNAVEUR will appoint a representative to each joint committee as requested. Normally, the representative of each Component Commander is the Director of Civilian Personnel. When so designated by the Commander in Chief, U.S. Pacific Command (USCINCPAC) or the Commander in Chief, U.S. European Command (USCINCEUR), the CINCPACFLT and CINCUSNAVEUR representatives will serve as Chairman of the Joint Committee. As a member of the Joint Committee, the CINCPACFLT and CINCUSNAVEUR representatives will act as an agent of the Secretary of the Navy and are empowered to act for the Department on matters before the joint committee. If there is uncertainty as to conformance with applicable Department of the Navy policy on a matter before the joint committee, guidance from appropriate Department of the Navy headquarters should be requested. CINCPACFLT and CINCUSNAVEUR will ensure representation of the interest of both appropriated and nonappropriated fund activities.

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c. In accordance with reference (a), joint committees will seek to establish a uniform position with respect to salaries, wages, fringe benefits, and other terms and conditions of employment for direct hire non-U.S. citizen employees. For indirect hire non-U.S. citizen employees, the joint committees are responsible for coordinating negotiations with host government officials and for ensuring uniform application of agreed Service positions. In any area where a joint committee may not have been established, and in which a DON command is the predominant employer of non-U.S. citizen employees, the designated Navy Component Commander having delegated authority or designee in that area shall seek to attain a coordinated position on compensation matters with other Allied Forces or other U.S. Government departments or agencies.

d. When a coordinated position cannot be achieved on matters before a joint committee, the Unified or Subordinate Unified Commander may not direct action on the matter. Unresolved differences in compensation and other terms and conditions of employment will be referred to the Unified Commander on issues arising in subordinate joint committees and by the Unified Commander at Service Component Commander Level for resolution at the departmental level. Other matters having significant budgetary or legal implications, major policy issues or impacts on manpower ceilings may be referred to the Assistant Secretary of Defense (Manpower, Installations and Logistics) or the Secretary of the Navy, as appropriate, for confirmation or decisions.

e. Technical support of the DON's representation on the joint committee described in paragraphs 5b and c, and other issues internal to the Department of the Navy will be provided by the Naval Civilian Personnel Command (NCPC) through established relationships of NCPC Pacific Region with CINCPACFLT and the NCPC European Field Office with CINCUSNAVEUR.

f. The Commander, U.S. Naval Forces Iceland is subject to references (a), (b), and (c) and the policies and provisions of this instruction. Interservice coordination does not, at present, require establishment of a joint committee as described in reference (a), in recognition that the DON is the predominant employer of foreign national employees and in view of other special circumstances in Iceland. However, other local Defense components should be consulted periodically on the need for improved coordination and the local DON command should report significant developments in this regard to the Chief of Naval Operations (OP-141) via CINCLANTFLT. CINCLANTFLT will furnish technical support to COMNAVICE as provided in paragraph 5c where a joint committee has not been established.

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g. While the Department of Defense Wage Fixing Authority has retained the wage fixing role for Argentia, Bermuda, and Guantanamo Bay, technical support on wage fixing matters will be provided to DON activities in these geographical areas by CINCLANTFLT.

h. The Naval Civilian Personnel Command, through its regions/office will provide technical support and assistance to CINCLANTFLT on Foreign National programs.

i. On behalf of the Deputy Assistant Secretary of the Navy (Civilian Personnel Policy/Equal Employment Opportunity), the Chief of Naval Operations (OP-141), who represents DON on the DOD Wage Committee, will provide Department of the Navy representation on issues referred to DOD for advice, confirmation, or resolution.

j. CINCPACFLT, CINCLANTFLT, and CINCUSNAVEUR shall assure submission of the reports required by Chapter IX of reference (c) with a copy for Department of the Navy. Copies should be addressed to the Chief of Naval Operations (OP-141), Washington, DC 20350.

6. Determining Compensation for Other Areas. Compensation for non-U.S. citizens employed by the Department of the Navy not covered by paragraph 4 is set as follows:

a. In accordance with the Memorandum of Agreement between the Department of Defense and the Department of State, units covered by a local U.S. Embassy compensation plan include:

(1) U.S. Navy Purchasing Branch, Hong Kong, B.C.C.

(2) U.S. Naval Shipbuilding Liaison Office, Madrid, Spain

(3) U.S. Navy Office, Singapore

(4) U.S. Naval Support Force Antarctica, Christchurch, Wellington, New Zealand

(5) U.S. Naval Medical Research Unit 3, Cairo, Egypt

b. In Panama, compensation is set by the Civilian Personnel Policy Coordinating Board.

c. Compensation practices are set for the Azores by a base labor agreement negotiated between DOD and Portugal. The Air Force has lead administrative responsibility for the plan.

d. Compensation in all other areas is fixed and adjusted by the DOD Wage Fixing Authority.

7. Report. Symbol DD-MIL(A)1571(5402) is assigned to the report in paragraph 5j which is approved for three years from the date of this instruction.



CHARLES J. ANTKOVIK
Assistant Secretary of the Navy
(Manpower and Reserve Affairs)
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