



Department of Defense INSTRUCTION

NUMBER 1400.25, Volume 2016
April 28, 2015

USD(P&R)

SUBJECT: DoD Civilian Personnel Management System: Administration of Foreign Language Pay for Defense Civilian Intelligence Personnel System (DCIPS) Employees

References: See Enclosure 1

1. PURPOSE

a. Instruction. This instruction is composed of several volumes, each containing its own purpose. The purpose of the overall instruction, in accordance with the authority in DoD Directive (DoDD) 5124.02 (Reference (a)), is to establish and implement policy, establish procedures, provide guidelines and model programs, delegate authority, and assign responsibilities regarding civilian personnel management within the DoD.

b. Volume

(1) 2000 Volume Series. The 2000 volume series of this instruction, in accordance with the authority in Reference (a) and DoDDs 5143.01, 1400.25, and 1400.35 (References (b), (c), and (d)), establishes policy, assigns responsibilities, and provides guidance for DCIPS. The 2000 Volume series of this instruction is referred to as “the DCIPS Volumes.”

(2) This Volume. This volume:

(a) Establishes policy, assigns responsibilities, and provides procedures for administering DCIPS foreign language pay.

(b) Incorporates and cancels Under Secretary of Defense for Personnel and Readiness (USD(P&R)) Memorandum (Reference (e)).

2. APPLICABILITY. This volume:

a. Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other

organizational entities in the DoD that employ individuals under DCIPS (referred to collectively in this volume as the “DoD Components with DCIPS positions”).

b. Does not apply to employees covered by the Federal Wage System or equivalent, non-appropriated fund employees, or foreign national employees employed under other than DCIPS authority.

3. POLICY. It is DoD policy that:

a. Foreign language proficiency is a critical competency of the DoD mission, and is managed to maximize the accession, development, maintenance, enhancement, and utilization of these critical skills appropriate to the mission of the DoD and its Components. The needs for these capabilities are derived from National Intelligence priorities and Combatant Command intelligence requirements. These foreign language requirements guide the recruitment, development, and retention of the foreign language workforce. The recruitment, development, and retention of individuals with proficiency in multiple foreign languages are encouraged.

b. The study, maintenance, and employment of skills by DCIPS employees in languages on the Defense Intelligence Foreign Languages of Interest (DILI) list, or in languages otherwise approved for pay, will be encouraged, with provision for special pay and time for self-managed, classroom maintenance, and immersion training.

c. The minimum qualifying language skill level will not be less than Interagency Language Roundtable (ILR) Level 2 proficiency.

d. The processes and procedures for administering foreign language pay for DCIPS employees must be complementary to DoD Instruction (DoDI) 1340.27 (Reference (f)) and DoDI 5160.70 (Reference (g)) in that there are payments for those employees using languages in their duties, and structured programs to determine the appropriate payments.

e. Foreign language proficiency and utilization will be compensated at a rate and in the manner best suited to attract and retain a qualified cadre of foreign language professionals necessary to accomplish the mission of the Defense Intelligence Enterprise.

f. The total amount of language pay made to a DCIPS employee will be determined by the individual DoD Component providing the language pay in accordance with this volume, and may not exceed \$55,000 per calendar year. Existing programs with DCIPS positions that exceed this limitation will be brought into compliance in a phased manner. When necessary to support mission requirements, DoD Components may request exceptions to the calendar year limitation in accordance with this volume.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

6. INFORMATION COLLECTION REQUIREMENTS. The DCIPS Foreign Language Program Annual Report, referred to in paragraphs 2b and 3b of Enclosure 2, and section 2 of Enclosure 3 of this instruction, has been assigned report control symbol DD-INT(A)2570 in accordance with the procedures in Volume 1 of DoD Manual 8910.01 (Reference (h)).

7. RELEASABILITY. **Cleared for public release**. This volume is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE. This volume is effective June 15, 2015.


Jessica L. Wright
Under Secretary of Defense for
Personnel and Readiness

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- (b) DoD Directive 5143.01, “Under Secretary of Defense for Intelligence (USD(I)),” October 24, 2014
- (c) DoD Directive 1400.25, “DoD Civilian Personnel Management System,” November 25, 1996
- (d) DoD Directive 1400.35, “Defense Civilian Intelligence Personnel System (DCIPS),” September 24, 2007, as amended
- (e) Under Secretary of Defense for Personnel and Readiness Memorandum, “Revision of Foreign Language Proficiency Pay for Department of Defense (DoD) Civilian Employees Performing Intelligence Duties,” July 26, 2005 (hereby cancelled)
- (f) DoD Instruction 1340.27, “Military Foreign Language Skill Proficiency Bonuses,” May 21, 2013
- (g) DoD Instruction 5160.70, “Management of DoD Language and Regional Proficiency Capabilities,” June 12, 2007
- (h) DoD Manual 8910.01, Volume 1, “DoD Information Collections Manual: Procedures for DoD Internal Information Collections,” June 30, 2014
- (i) DoD Instruction 5160.71, “DoD Language Testing Program,” January 26, 2009, as amended
- (j) Title 10, United States Code
- (k) Sections 5551 or 5552 of Title 5, Code of Federal Regulations
- (l) Section 530.203 of Title 5, Code of Federal Regulations

ENCLOSURE 2

RESPONSIBILITIES

1. USD(P&R). In accordance with References (a) and (b), the USD(P&R) works in conjunction with the Under Secretary of Defense for Intelligence (USD(I)) on the administration of and rates of pay for demonstrated proficiency and ability to perform tasks in foreign languages for DoD Components with DCIPS positions.

2. USD(I). The USD(I):

a. In conjunction with the USD(P&R), and consistent with Reference (f) and DoDI 5160.71 (Reference (i)), establishes and maintains policies regarding foreign language pay within the Defense Intelligence Enterprise; monitors the effects on the readiness of DCIPS personnel to perform tasks that require foreign language skills.

b. Oversees the implementation of policies and monitors practices for foreign language proficiency pay within the DoD Components with DCIPS positions through annual reporting consistent with section 2 of Enclosure 3 of this volume.

c. Reviews and approves:

(1) DCIPS Component foreign language pay programs.

(2) Requests for exceptions to the calendar year limitation when the DoD Component heads with DCIPS positions submit such requests. Exceptions are granted for 1-year periods to support mission requirements.

3. DoD COMPONENT HEADS WITH DCIPS POSITIONS. The DoD Component heads with DCIPS positions:

a. Develop Component foreign language pay programs based upon mission needs, and ensure that program implementing guidance is consistent with this volume.

b. On an annual basis, submit to the USD(I) for review a report consistent with section 2 of Enclosure 3 of this volume.

c. When necessary, submit exception requests, in writing, for DCIPS employees exceeding the calendar year pay limitation to the USD(I). Exceptions may be granted for 1-year periods to support mission requirements. Such requests must be accompanied by a statement that includes:

(1) The amount by which the limit will be exceeded.

(2) Justification as to why the exception is necessary.

(3) Either the names or identifying numbers for the DCIPS employees for whom the exceptions are being requested.

e. Provide opportunities for DCIPS employees receiving language pay to use their foreign language skills during the period in which the employees are receiving such pay.

f. Are accountable for compliance with this volume and any applicable or subsequent DoD guidance.

g. Monitor the effectiveness of foreign language pay practices within the DoD Component toward the goal of attracting and retaining a qualified cadre of foreign language professionals.

ENCLOSURE 3

PROCEDURES

1. GENERAL. Section 1596 of Title 10, United States Code (Reference (j)) authorizes the Secretary of Defense to approve special pay for civilian employees with foreign language proficiency who are:

a. Employed by the DoD.

b. Certified as being proficient in a foreign language identified by the Secretary of Defense as being a language in which proficiency by DoD civilian personnel is important for the effective collection, production, or distribution of foreign intelligence information.

c. Serving in a position or subject to assignment to a position in which proficiency in that language facilitates performance of officially assigned intelligence or intelligence-related duties.

2. ELIGIBILITY FOR FOREIGN LANGUAGE PAY

a. In addition to meeting any other requirements, to be eligible for foreign language pay, DCIPS employees must be certified at a minimum qualifying language skill level of not less than ILR Level 2 proficiency in one or more foreign languages identified on the DILI list or otherwise approved for pay by the Component. Certification will occur in accordance with the Foreign Language Proficiency Certification Schedule set forth in the Appendix to this enclosure.

b. Components will consider the following factors, at a minimum, in developing their foreign language pay programs:

(1) Language, modality and skill level, including whether compensation is appropriate for proficiency in multiple languages.

(2) The extent to which the employee performs mission-related tasks requiring the language.

(3) Strategic or contingency operational needs for the specific language in support of the Component mission.

(4) The difficulty of recruiting or retaining employees with specific language skills.

(5) Any need to retain critical language skills, even if the employee does not use those skills on a regular basis.

3. FOREIGN LANGUAGE PAY REPORTING

a. Annually, each DoD Component with DCIPS positions will submit to the USD(I), through the Director, Human Capital Management Office, a report on its foreign language pay program.

b. Annual reports must be submitted in writing, in accordance with the timelines and formats the USD(I) establishes and distributes.

c. Annual reports must:

(1) Include a copy of the Component's current foreign language pay policy or guidance, and copies of any related documents or communications issued on foreign language pay since the previous report was submitted.

(2) Identify the total number of language-coded authorizations and official tasking that requests language and proficiency in support of mission requirements.

(3) Identify the total number of DCIPS employees receiving foreign language pay, and whether or not they are assigned to designated foreign language positions. Include a break-out of the number of DCIPS employees identified as receiving foreign language pay by each language.

(4) Identify the total amount of foreign language payments made in the past calendar year and a break-out of the amounts by language.

(5) Identify for ILR Level 3 proficiency and above (combined), the percentage of recipients paid, by language.

(6) Discuss the current state of recruitment and fill of foreign language positions, including overages, trends, shortfalls, recommendations regarding foreign language pay policy, trends in payments (by language and amount of payment) from the previous year, and a brief statement reflecting the effectiveness of incentive pay in the recruitment, retention, and enhancement in the foreign language workforce.

(7) Include other information requested by the USD(I).

4. COMPONENT FOREIGN LANGUAGE PAY PROGRAMS

a. Within 30 days of the effective date of this volume, each DoD Component with DCIPS positions will submit to the USD(I) for approval, through the Director, Human Capital Management Office, a copy of the Component's current foreign language pay policy. Each DoD Component with DCIPS positions will also submit any implementing guidance and related documents or communications it has issued on foreign language pay.

b. Thereafter, DoD Components with DCIPS positions will submit to the USD(I) for approval, through the Director, Human Capital Management Office, any proposed changes to the Component's programs along with supporting justification for the proposed change. Any

proposed changes must be submitted to the USD(I) for approval at least 60 days in advance of planned implementation.

d. Justification submitted in support of proposed changes must:

- (1) Include the issues or challenges the proposed changes were designed to address.
- (2) Discuss the current state of recruitment and fill of foreign language positions, including overages, trends, shortfalls, recommendations regarding foreign language pay policy, trends in payments (by language and amount of payment) from the previous year, and a brief statement reflecting the effectiveness of incentive pay in the retention and enhancement of skills in the foreign language workforce.
- (3) Identify any change in the number of employees receiving foreign language pay as a result of the proposed changes, with a break-out of the number of employees by each language.
- (4) Identify the total costs of the proposed changes.
- (5) Address the factors listed in paragraph 2b of this enclosure.
- (6) Include other information requested by the USD(I).

e. If the USD(I) does not approve a proposed change, the USD(I) Human Capital Management Office will work with the Component to resolve the issue(s).

5. PAYMENT

a. Foreign language pay may be paid in addition to any compensation authorized in accordance with section 1602 of Reference (j) for which an employee is eligible. However, foreign language pay is not considered part of an employee's rate of basic pay for any purpose, and therefore is not counted towards retirement, insurance, or other benefits related to basic pay.

b. Foreign language pay will not be included in calculating any lump-sum payments to compensate for unused leave pursuant to sections 5551 or 5552 of Title 5, United States Code (Reference (k)).

c. Foreign language pay is considered a discretionary continuing payment for purposes of calculating the aggregate pay limitation pursuant to part 530.203 of Title 5, Code of Federal Regulations (Reference (l)).

d. Foreign language pay will not be paid if the employee is in a leave without pay or other unpaid status in excess of 10 consecutive work days, or in an extended paid absence in excess of 30 consecutive work days.

e. For employees on external rotational assignments (e.g., joint duty assignments, including those that are reimbursable), the authorization of foreign language pay will be at the discretion of the employing DoD Component in accordance with Reference (j).

f. An employee's foreign language pay may be terminated at any time when the:

(1) Employee no longer meets the eligibility requirements, in accordance with section 1 of this enclosure;

(2) Employee's most recent performance evaluation (e.g., closeout, early annual) was less than "successful;" or

(3) USD(I) or the DoD Component head with DCIPS positions use their discretion to terminate the foreign language pay.

g. The termination of foreign language pay may not be grieved pursuant to Volume 2014 of this instruction, or appealed pursuant to Volume 2009 of this instruction. However, the preceding sentence must not be construed to extinguish or lessen the right or remedy an employee might have under other laws or regulations.

6. DOCUMENTATION REQUIRED

a. DoD Components with DCIPS positions will use the Defense Civilian Personnel Data System (DCPDS), or other official human resources information system if not DCPDS, to document foreign language proficiency levels required for positions, and the proficiency levels, foreign language pay amounts, and languages in which employees are proficient.

b. DoD Components with DCIPS positions will maintain records of employee eligibility determinations, as described in section 1 of this enclosure.

Appendix

Foreign Language Proficiency Certification Schedule

APPENDIX TO ENCLOSURE 3

FOREIGN LANGUAGE PROFICIENCY CERTIFICATION SCHEDULE

1. To be approved for foreign language pay, employees must demonstrate proficiency in the language according to the certification schedule in the Table. Employees must have the approval of their supervisors in order to be tested for foreign language proficiency.

Table. Certification Schedule

ILR	Certification Schedule
Level 3 or above in Listening and Reading Modalities	No later than 36 months and no earlier than 6 months from last administration of test in that foreign language
Level 3 or above in Speaking Modality	No later than 24 months and no earlier than 6 months from last administration of test in that foreign language
Level 2 and 2+ in Listening, Reading, and Speaking Modalities	No later than 12 months and no earlier than 6 months from last administration of test in that foreign language

2. The recertification requirement timeframe for DCIPS employees whose recertification schedule is interrupted by deployment in support of a contingency operation may be extended for a period of 180 days starting on the date on which the employee is released from the assignment or, on a case-by-case basis, to comply with applicable law or to accommodate extraordinary circumstances. Such exceptions will be provided to the USD(I) within 30 days of the DoD Component having granted the exception.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DCIPS	Defense Civilian Intelligence Personnel System
DCPDS	Defense Civilian Personnel Data System
DILI	Defense Intelligence Foreign Languages of Interest
DoDD	DoD Directive
DoDI	DoD Instruction
ILR	Interagency Language Roundtable
USD(I)	Under Secretary of Defense for Intelligence
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purposes of this volume.

calendar year. A period starting from the first day of the first pay period of the year to the last day of the last pay period of that year.

DILI. A comprehensive list of languages of interest, as articulated by the Defense Intelligence Components. This list is maintained and distributed by USD(I)'s Human Capital Management Office, and updated on an as-needed basis per input from the DoD Components with DCIPS positions.

DoD Components with DCIPS positions. Defined in Volume 2001 of this instruction.

foreign language pay. A periodic payment made to civilians who maintain the required proficiency in foreign language(s) authorized for such pay by the DoD Component heads with DCIPS positions, in support of the Component's and DoD's mission needs and in compliance with this volume. The purpose is to increase foreign language capabilities across the Defense Intelligence Enterprise in support of the DoD mission.

immersion. Structured foreign language training conducted abroad or through isolation from the English language at a continental United States facility. The goal is to enhance the learning experience of students by allowing them to apply their language skills while immersed in the target culture.