



Department of Defense INSTRUCTION

NUMBER 1400.25, Volume 1401

October 18, 2011

Incorporating Change 1, November 17, 2017

USD(P&R)

SUBJECT: DoD Civilian Personnel Management System: General Information Concerning Nonappropriated Fund (NAF) Personnel Policy

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. In accordance with the authority in DoDD 1400.25 (Reference (b)), this Volume:

(1) Reissues Volume 1401 of DoD Instruction 1400.25 (Reference (c)) to establish policy, assign responsibilities, and provide general information concerning personnel policy covering DoD NAF employees and positions.

~~(2) Incorporates and cancels chapter 1 of DoD 1401.1-M (Reference (d)).~~

(2) Updates this issuance in accordance with the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) Memorandum (Reference (d)).

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 within the DoD (hereinafter referred to collectively as the "DoD Components").

b. Applies to all NAF employees and positions within the DoD, including those NAF positions authorized to receive funding from appropriated funds.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy that the development, implementation, and administration of NAF personnel policy shall be consistent with Reference (b) and Volume 100 of this Instruction.

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. See Enclosure 3.

7. RELEASABILITY. ~~UNLIMITED. This Volume is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.~~ **Cleared for public release. This Volume is available on the Directives Division Website at <http://www.esd.whs.mil/DD/>.**

8. EFFECTIVE DATE. This Volume is effective ~~upon its publication to the DoD Issuances Website~~ **October 18, 2011.**

Clifford L. Stanley
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 1400.25, "DoD Civilian Personnel Management System," November 25, 1996
- (c) DoD Instruction 1400.25, Volume 1401, "General Information Concerning NAF Personnel Policy," December 3, 1996, (hereby cancelled)
- ~~(d) DoD 1401.1 M, "Personnel Policy Manual for Nonappropriated Fund Instrumentalities," December 13, 1988~~
- (d) Office of the Under Secretary of Defense for Personnel and Readiness Memorandum, "Phase-Out of Benefits for Civilian Employees' Same-Sex Domestic Partners and the Dependents of those SSDPs," November 2, 2016*
- (e) Section 2105 of title 5, United States Code
- ~~(f) Presidential Memorandum, "Extension of Benefits to Same-Sex Domestic Partners of Federal Employees," June 2, 2010~~
- ~~(g) DoD 7000.14-R, "DoD Financial Management Regulation," Volume 13, Chapter 1, "Nonappropriated Funds Policy and Procedures," September 2008~~
- (f) DoD 7000.14-R, Volume 13, Chapter 1, "DoD Financial Management Regulations (FMRs): Nonappropriated Funds Policy," current edition*

ENCLOSURE 2

RESPONSIBILITIES

1. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS (ASD(M&RA)). Under the authority, direction, and control of the USD(P&R), and in accordance with Reference (a), the ASD(M&RA) has overall responsibility for the development of DoD civilian personnel policy covered by this Volume.

12. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL POLICY (DASD(CPP)). ~~The DASD(CPP),~~ Under the authority, direction, and control of the ~~Under Secretary of Defense for Personnel and Readiness~~ ASD(M&RA), the DASD(CPP) shall:

- a. Develop and administer DoD-wide NAF personnel policies, procedures, programs, and guidance covering NAF employees.
- b. Monitor the implementation of these policies to ensure consistent and continuous application throughout DoD.
- c. Establish reporting requirements, as necessary.
- d. Establish necessary committees, formal or informal, to develop and implement personnel policies for NAF employees.
- e. Waive the NAF personnel policy provisions contained in this Instruction, when appropriate.

3. DIRECTOR, DEPARTMENT OF DEFENSE HUMAN RESOURCES ACTIVITY (DoDHRA). Under the authority, direction, and control of the USD(P&R), the Director, DoDHRA, provides support to the DASD(CPP), as appropriate, in execution of the duties and responsibilities of this Volume.

*24. HEADS-OF-THE DoD COMPONENTS HEADS. The ~~Heads-of-the~~ DoD Components *heads* shall:*

- a. Establish NAF positions and, based on the duties and responsibilities assigned, place each position in its appropriate NAF pay category and classification.
- b. Recruit, select, place, reassign, promote, terminate, and accomplish other related personnel transactions involving NAF employees.

c. Implement the policies, programs, and procedures in this Instruction, ensuring compliance with these provisions and with applicable laws and regulations covering NAF employees.

d. Oversee the continuous and consistent application of NAF personnel policies within the Component. As part of that oversight, adjust delegations in authority, provide guidance, and take other actions as warranted to ensure NAF employees are managed effectively and fairly.

ENCLOSURE 3

PROCEDURES

1. GENERAL. The 1400 series of Volumes of this Instruction provide DoD personnel policies with respect to NAF civilian employment. Other Volumes in this Instruction do not apply to NAF employees, unless otherwise stated.

2. FEDERAL EMPLOYMENT STATUS OF NAF EMPLOYEES. Section 2105(c) of title 5, United States Code (Reference (e)) explains the status of NAF employees and identifies the Office of Personnel Management-administered laws that cover NAF employees.

~~3. EXTENSION OF BENEFITS TO SAME SEX DOMESTIC PARTNERS OF FEDERAL EMPLOYEES. In accordance with Presidential Memorandum (Reference (f)), where a benefit, preference, or allowance is provided to the spouse of a NAF employee and their children, that benefit, preference, or allowance shall also be provided, at an equivalent level wherever permitted by law, to the same sex domestic partner of a NAF employee and their children.~~

~~4. IMPLEMENTATION. Heads of the DoD Components shall forward copies of the Component's implementing documents to this Volume to the DASD(CPP) through command channels within 120 days of the publication date of this Volume. DoD Components shall provide all regulations and documents (including group insurance and retirement plan summaries and employee booklets) that serve to satisfy policy requirements and applicable laws.~~

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ASD(M&RA) Assistant Secretary of Defense for Manpower and Reserve Affairs

DASD(CPP) Deputy Assistant Secretary of Defense for Civilian Personnel Policy

DoDD DoD Directive

DoDHRA Department of Defense Human Resources Activity

NAF nonappropriated funds

USD(P&R) Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

These terms and their definitions are for the purposes of this Volume.

appropriated funds. Defined in section 010202 of *chapter 1 of volume 13 of DoD 7000.14-R* (Reference ~~(g)~~(f)).

~~domestic partner. A person in a domestic partnership with a civilian employee of the same sex.~~

~~domestic partnership. A committed relationship between two adults of the same sex in which the partners:~~

~~—Are each other's sole domestic partner and intend to remain so indefinitely;~~

~~—Maintain a common residence and intend to continue to do so (or would maintain a common residence but for an assignment abroad or other employment related, financial, or similar obstacle);~~

~~—Are at least 18 years of age and mentally competent to consent to contract;~~

~~—Share responsibility for a significant measure of each other's financial obligations;~~

~~—Are not married or joined in a civil union to anyone else;~~

~~—Are not the domestic partner of anyone else;~~

~~Are not related in a way that, if they were of opposite sex, would prohibit legal marriage in the U.S. jurisdiction in which they reside; and~~

~~—Are willing promptly to disclose any dissolution or material change in the status of the domestic partnership.~~

NAF. Defined in section 010213 of Reference ~~(g)~~(f).

NAF employee. Defined in subsection (c) of Reference (e).