

ENCLOSURE 6

MANPOWER MIX CRITERIA CODES

1. General. DoD Components shall use the Manpower Mix Criteria codes at Enclosure 2 to designate manpower as (1) inherently governmental; (2) exempt from private sector performance; or, (3) subject to review for divestiture or private sector performance. These codes are also used to designate manpower as civilian essential or military essential. Manpower shall be coded based on the work required and authorized to be performed, and not on temporary assignments or other duties—i.e., military and civilian personnel that are borrowed or temporarily assigned to other activities are *not* to be coded based on their temporary assignments.
2. Order of Precedence for Coding. Manpower mix criteria are listed in descending order of precedence. When two or more criteria apply, the criterion highest on the list shall take precedence. A diagram depicting the order of precedence is at Enclosure 1.
3. Re-designations of Manpower. Manpower management officials at the DoD Component headquarters shall review the manpower and designate or re-designate manpower, as necessary, to ensure there is a sufficient workforce to support:
 - 3.1. “Military and Civilian Wartime Designations (Dual Status),” code D;
 - 3.2. “Continuity of Infrastructure Operations,” code H;
 - 3.3. “Military Augmentation of the Infrastructure,” code I;
 - 3.4. “Civilian and Military Rotation,” code J; and,
 - 3.5. “Civilian and Military Career Progression,” code K.
4. Coding Military and Civilian Manpower Conversions. When manpower authorities decide that military manpower are performing activities that should be performed by civilians or civilian manpower are performing activities that should be performed by military, they shall use the appropriate criteria code to indicate the manpower should be converted from military-to-civilian or from civilian-to-military. For instance, DoD Components shall code military manpower with criteria codes C, E, and H, as appropriate, to indicate the need for military-to-civilian conversions.
5. More detailed guidance for the Manpower Mix Criteria and for what is inherently governmental and exempt from private sector performance can be accessed on the internet at <http://dod.mil/prhome/> under “DUSD Program Integration” and “News and Publications.”

Enclosure 1

ORDER OF PRECEDENCE FOR CODING MANPOWER MIX CRITERIA	
A	Military Operations
B	Military Support Elements in Operating Forces
C	Civilian Support Elements in Operating Forces
D	Exemptions for Military & Civilian Wartime Designations (Dual Status)
E	Civilian Authority Direction & Control
F	Military-Unique Knowledge & Skills
G	Exemptions for Esprit de Corps and Military Support
H	Continuity of Infrastructure Operations
I	Military Augmentation of the Infrastructure During War
J	Civilian & Military Rotation
K	Civilian & Military Career Progression
L	Restricted by Law, Executive Order, Treaty or International Agreement
M	Restricted by DoD Management Decision
P	Pending Restructuring Decision
R	Subject to Review
W	Nonpackageable Commercial Activity
X	Alternative Candidates to A-76

Manpower Mix Criteria

1. **Military Operations (Code A).** DoD Components shall designate manpower that perform duties and responsibilities that are integral to military command and control of combat and crisis situations as military code A. This manpower is military essential and inherently governmental because the personnel who perform these duties must be trained and ready to perform in a combat environment or in an uncontrolled situation where military command, control and discipline are required *and* use of DoD civilians or contract support constitutes an inappropriate or unacceptable risk. (See “Guidance for Risk Assessments” at Enclosure 8.) This includes Active and Reserve Component manpower in the operating forces (DoD Functions M410-M810) or in security activities at military installations (DoD Functions S500-S510) that perform one or more of the following duties or responsibilities.

1.1. Operational Command and Control of Military Forces. DoD Components shall designate manpower in the operating forces (DoD Functions M410-M810) in command of military forces and manpower that might be required to assume command in the event the commander is killed or incapacitated as military code A. Within the operating forces, this control begins with the field commanders and extends to the lowest level of command responsible for personnel safety and mission accomplishment.

1.2. Combat. DoD Components shall designate manpower in combat, combat support, and combat service support units that operate in a theater of war where there is a high likelihood of hostile fire as military code A *if* (1) the incumbents are issued combat weapons; (2) receive extensive combat training; and, (3) engage (or might engage) in combat as an inherent part of their mission. DoD Components shall also designate manpower in units located inside or outside the theater of war as military code A *if* they operate weapons systems against the enemy (e.g., crews for B-52 bombers and that launch ICBMs).

1.3. Sustainment and Reconstitution of Combat Support and Service Support Operations Under Fire. DoD Components shall designate manpower that perform combat support and service support functions in the operating forces (DoD Functions M410-M810) as military code A *if* there is such a high likelihood of hostile fire or collateral damage that (1) military authority, discipline, and training are needed to retain control and, if necessary, reconstitute the unit; and, (2) use of civilians or contract support constitutes an inappropriate or unacceptable risk. (See “Guidance for Risk Assessments” at Enclosure 8.)

1.4. Military Medical and Spiritual Services for Prisoners of War. DoD Components shall designate medical and religious manpower in the operating forces (DoD Functions M410-M810) as military code A *if* the incumbents are (1) assigned to units or ships in the operating forces; (2) qualified for special identity

cards and armlets bearing the distinctive “Red Cross” or “Geneva Cross” emblem; *and*, (3) engaged *exclusively* in the search, collection, transportation or treatment of the wounded or sick; prevention of disease; administration of medical units and establishments; or religious care. (Under Article 53 of the First Geneva Convention, use of the “Red Cross” or “Geneva Cross” emblem by individuals, societies, firms, or companies, either public or private, other than those entitled is prohibited. Therefore, the special duties and privileges conveyed by the emblems are not commercial and cannot be contracted or assigned to DoD civilians.)

1.5. Military Security at DoD Installations in High Threat Environments.

DoD Components shall designate manpower in physical security activities in the infrastructure (DoD Function codes S500-S510) as military code A *if* there is such a high likelihood of hostile fire, bombings, or biological or chemical attacks by groups using sophisticated weapons and devices that (1) a military defense—i.e., military strategy, leadership, training, skills, equipment and arms (not available to civilians)—is required; and, (2) use of civilians or contract support constitutes an inappropriate or unacceptable risk. (See “Guidance for Risk Assessments” at Enclosure 8.)

2. Military Support Elements in Operating Forces (Code B). DoD Components shall designate manpower that perform combat support or combat service support functions in the operating forces (DoD Functions M410-M810) in areas where there is *not* a high likelihood of hostile fire as military code B *if* performance of the function throughout the operating forces exclusively by civilians or contractors (i.e., total reliance on civilian or contract support) constitutes an inappropriate or unacceptable risk. This involves situations where deadly force is *not* an inherent part of the operation; military authority, discipline, and training are *not* normally required for proper performance of the duties; *but* a core military capability is needed in the event the threat changes and military capabilities are required. This manpower is military essential and exempt from private sector performance. Decisions about the number of military support elements necessary to provide a core capability are based on Risk Assessments. (See “Guidance for Risk Assessments” at Enclosure 8.)

3. Civilian Support Elements in Operating Forces (Code C). DoD Components shall designate manpower that perform combat support or combat service support functions in the operating forces (DoD Functions M410-M810) in areas where there is *not* a high likelihood of hostile fire as civilian code C *if* (1) use of deadly force is *not* an inherent part of the operation; (2) military authority, discipline, and training are *not* required for proper performance of the function; *and*, (3) performance of the function throughout the operating forces exclusively by contractors (i.e., total reliance on contract support) constitutes an inappropriate or unacceptable risk. This includes civilians that are designated emergency-essential (E-E) as prescribed by DoD Directive 1404.10, and forward deploy with military troops or remain in place in overseas locations subsequent to an evacuation of noncombatants. These personnel perform duties critical to combat operations, provide continuity of essential functions, or maintain the availability of combat-essential systems. This manpower is civilian essential and exempt from private sector performance. Decisions about the number of civilian support elements necessary to provide a core capability are based on Risk Assessments. (See “Guidance for Risk Assessments” at Enclosure 8.)

4. Exemptions for Military & Civilian Wartime Designations (dual-status) (Code D).

4.1. Military Wartime Designations (dual status). DoD Components shall designate manpower in infrastructure activities as military code D *if* the incumbents are dual-tasked for military wartime assignments (i.e., assigned to a position in the infrastructure *and* counted for a wartime assignment in the operating forces). During peacetime, these personnel are not *assigned* to the operating forces, but are *designated* for wartime assignments in the event of a mobilization, war, or other emergency. This includes Active Component and Active Guard and Reserve (AGR) manpower in infrastructure activities (DoD Functions A610-M399 and P110-Z999) that perform peacetime functions that are eliminated, replaced by civilian or Reserve Component manpower, or converted to private sector performance during a war or other emergency. This manpower is military essential and exempt from private sector performance. Manpower management officials at the DoD Component headquarters shall decide the number and skills required for a mobilization, war, or other emergency and centrally manage the coding for this manpower. DoD Components shall use a formal, validated process for determining mobilization manpower requirements and wartime manpower demands as prescribed in DoD Directive 1100.18. Designations for wartime assignments shall not exceed 100 percent of wartime requirements during a mobilization or other emergency, plus what is needed for casualty replacements and rotation during the early phases of a mobilization or war.

4.2. Civilian Wartime Designations (dual status). DoD Components shall designate manpower in infrastructure activities as civilian code D *if* the incumbents are dual-tasked for civilian wartime assignments (i.e., assigned to a position in the infrastructure *and* counted for a wartime assignment in the operating

forces). During peacetime, these personnel are not *assigned* to support elements in the operating forces, but are *designated* for specific wartime assignments in the event of a mobilization, war, or other emergency. This includes civilian manpower in CONUS locations that are designated as alternates or replacements for emergency-essential (E-E) positions in overseas locations as required by DoD Directive 1404.10. This also includes dual-status military technicians covered by Section 115(g) of title 10, United States Code, that are involved in military training of the Selected Reserve or in the maintenance and repair of supplies or equipment issued to the Selected Reserve or the Armed Forces *if* they are designated for wartime assignments in units of the Selected Reserve that are scheduled to deploy no later than 90 days after mobilization or in units that would mobilize and deploy in a skill that is compatible with their civilian position. This manpower is civilian essential and exempt from private sector performance. Manpower management officials at the DoD Component's headquarters shall decide the number and skills required for a mobilization, war, or other emergency and centrally manage the coding for this manpower. DoD Components shall use a formal, validated process for determining mobilization manpower requirements and wartime manpower demands as prescribed in DoD Directive 1100.18.

5. **Civilian Authority, Direction, and Control of the DoD (Code E).** The following duties and responsibilities are inherent to civilian authority, direction, and control of the DoD, as required by statutes such as Sections 113, 193, 3013, 5013, and 8013 of title 10, United States Code, and are civilian essential and inherently governmental.

5.1. **Civilian Leadership and Control.** DoD Components shall designate manpower in infrastructure activities (DoD Functions A610-M399 and P110-Z999) as civilian code E *if* the incumbents are directly and ultimately accountable for (1) the accomplishment of defense missions and functions; (2) the discretionary exercise of Department authority; or (3) oversight and control of monetary transactions, government property (real or personal, tangible or intangible), and entitlements. These personnel have the authority to obligate federal funds or to commit the Department to take or not to take action by direction, order, policy, regulation, contract, authorization, or otherwise. This includes duties and responsibilities vested in the Secretary of Defense; Secretaries of the Military Departments; Directors of Defense Agencies and DoD Field Activities; Under, Assistant, and Deputy Secretaries of Defense and the Military Departments; General Counsels; and other officials as specified in Sections 131-142, 3013-3022, 5013-5026, and 8013-8022 of title 10, United States Code. This also includes program and project managers, contracting officers, directors of line operations or principal staff elements, and other officials that are delegated these responsibilities. These duties and responsibilities are performed during peacetime and war and, consequently, may not be vacated or deferred during a crisis, mobilization, or war.

5.2. **Civilian Expertise and Experience.** DoD Components shall designate manpower in infrastructure activities (DoD Functions A610-M399 and P110-Z999) as civilian code E *if* civilian and military officials require their direct sup-

port to (1) make informed decisions (and preclude sole reliance on contract advisory assistance); (2) maintain oversight, control, and accountability of government operations, federally funded projects, contracts, property, and funds; and, (3) provide for the effective, efficient, and economical administration of the DoD. This manpower plays an active and informed role in policy development, program execution, contract administration, and judiciary or fiduciary matters. They assist DoD officials with establishing objectives and priorities, assessing alternatives, judging risks, and deciding on a course of action. They provide the corporate knowledge and technical expertise necessary to ensure that public interests are protected and contractual obligations, formal agreements, and other transactions are fully satisfied. These civilians are in staff and line functions where current technical knowledge and on-the-job training and work experience are required to accomplish delegated responsibilities and actively participate in discretionary decision-making. (See “Guidance for Risk Assessments” at Enclosure 8 for additional guidance on sole reliance on contract advisory assistance and maintaining oversight, control, and accountability.)

5.3. Support to Agencies Outside the DoD. DoD Components shall designate civilian manpower for details or permanent duty station outside the DoD to the White House, Congress, or other federal or state agencies to provide support and advisory assistance on defense-related matters on behalf of the Department *if* the work requires proficiencies (i.e., knowledge, skills, and experiences) that cannot be obtained from the private sector or from other government agencies (DoD Function Y320). This manpower is established by formal request and approved following the procedures in DoD Directive 1000.17, or some other formal approval process.

5.4. Support Provided to International Organizations and Foreign Nations. DoD Components shall designate manpower that provide advisory assistance and support to international organizations and foreign nations on behalf of the Department on defense-related matters as civilian code E *if* the work requires proficiencies (i.e., knowledge, skills, and experiences) that cannot be obtained from other government agencies or from the private sector (DoD Function Y320).

6. **Military-Unique Knowledge and Skills (Code F).** DoD Components shall designate manpower in infrastructure activities (DoD Functions A610-M399 and P110-Z999) as military code F *if* (1) the incumbents require knowledge and skills acquired primarily through military training and current military experience for the successful performance of the duties; and, (2) the work cannot be vacated or deferred during a mobilization, war or other crisis. (As noted in criterion D above, if the work is eliminated, replaced by civilian or Reserve Component manpower, or converted to private sector performance during a mobilization or war, the military personnel are designated for wartime assignments and coded D.) This manpower is military essential and inherently governmental. This includes Active and Reserve Component manpower that perform one or more of the following duties or responsibilities.

6.1. Military Advice and Counsel. DoD Components shall designate manpower in the infrastructure as military code F *if* the incumbents are delegated responsibility for providing *military* advice and counsel to government officials. This includes the Chairman and other members of the Joint Chiefs of Staff, in their capacity as “Military Advisors” to the President, Congress, National Security Council, and Secretary of Defense. This also includes military officers responsible to the Secretaries, Deputy Secretaries, Under Secretaries, and Assistant Secretaries of the Military Departments for missions delegated to them under title 10, United States Code. This includes responsibilities delegated to the Chiefs, Vice Chiefs, Deputy Chiefs, and Assistant Chiefs of Staff of the Army and Air Force; Chief, Vice Chief, Deputy Chiefs, and Assistant Chiefs of Naval Operations; Commandant and Assistant Commandant of the Marine Corps; Chief, Deputy Chiefs, and Assistant Chiefs of Staff of the Marine Corps; Inspectors General; Surgeon Generals; Chiefs of Chaplains; Judges Advocate General; Assistant Judge Advocate General (and positions designated by the Judges Advocate General to be filled by a judge advocate); the military Comptroller or the Deputy Comptroller of each Military Department; Army Chief of Engineers; Chief of Naval Personnel; Director of Expeditionary Warfare; Chiefs of Reserves, and such military deputies and assistants as the Secretaries of the Military Departments think appropriate.

6.2. Accomplishment of Military Missions. DoD Components shall designate manpower in the infrastructure as military code F *if* the incumbents are delegated responsibility for military missions. This includes Commanders of Combatant Commands assigned responsibility for military operations (DoD Function Codes M120-M199) as prescribed in Sections 161 and 164 of title 10, United States Code.

6.3. Military Judicial Responsibilities. DoD Components shall designate manpower in the infrastructure as military code F *if* the incumbents are responsible for military judiciary matters on behalf of the United States, the Department of Defense, or a Military Service. This includes posts, appointments, and duties established under Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice (UCMJ)), that require military representation and cannot be transferred to DoD civilians or to the private sector. For example, the administration of military justice in general courts-martial, special courts-martial, summary courts-martial, courts of inquiry, the Military Departments’ Courts of Criminal Appeals, the U.S. Court of Appeals for the Armed Forces, and other legal proceedings are duties assigned to the Judge Advocate General, military judges, judge advocates (staff judge advocates, prosecutors, and defense and appellate counsels), and law specialist. The Judge Advocates General and senior members of their staffs are responsible for the supervision of the administration of military justice as prescribed in Section 806 of title 10, United States Code. This also includes duties performed by commissioned officers, warrant officers, or enlisted members on courts-martial in accordance with Section 825 of title 10, United States Code, and duties requiring the exercise of judicial or non-judicial punish-

ment under the UCMJ administered by military officers as prescribed in Sections 815 and 951 of title 10, United States Code.

6.4. Advice and Assistance Based on Military-Unique Knowledge and Experience. DoD Components shall designate manpower in infrastructure activities that provide advice and assistance to DoD officials as military code F *if* the advice is based on military-unique knowledge and experience that can *only* be derived from *recent* first-hand involvement in military activities—i.e., through commanding military forces or conducting or participating in military operations or exercises. This knowledge and experience must be more substantial than familiarity with military doctrine, tactics, operations, or regulations; capabilities that can be developed by civilians; or, advice military retirees can provide based on their knowledge and experiences. (See “Guidance for Risk Assessments” at Enclosure 8.) Manpower is coded F if a DoD official requires military advice to (1) make informed decisions (and preclude sole reliance on contract advisory assistance); (2) maintain government oversight, accountability, and control of government operations, federally funded programs, contracts, government property, or funds; or, (3) provide for the effective, efficient, and economical administration of the DoD. The following are examples.

6.4.1. Management of Defense Programs. This manpower typically plays an active and informed role in policy development, program execution, contract administration, and legislative and fiduciary matters where military judgment is required. They also assist management officials with establishing objectives and priorities, assessing alternatives, judging risks, and deciding the course of action on military-related matters.

6.4.2. Basic Training and Military Training of Doctrine and Tactics. Military training that is specifically designed to enhance military performance or leadership skills or, through example, reinforce the integrity of the military command structure is performed by military if it requires military expertise that is acquired only through operational experience. This includes training designed to acculturate military standards and conventions, or reinforce responsibilities with regard to the appropriate use of deadly force and proper military conduct during war.

6.4.3. Research, Development, Test and Evaluation (RDT&E). Military are also needed for judgments on RDT&E matters—e.g., the potential utility of emerging technologies, strategies for integration of new and fielded systems on the battlefield, critical human design and human factors engineering features, and tests for operational suitability and effectiveness (DoD Function codes R120, F150, and A620).

6.5. Support to Agencies Outside the DoD. DoD Components shall designate military manpower for details or permanent duty station outside the DoD to the White House, Congress, or other federal or state agencies to provide support

and advisory assistance on defense-related matters on behalf of the Department *if* the work requires military-unique knowledge and skills (DoD Function Y320).

6.6. Support Provided to International Organizations and Foreign Nations. DoD Components shall designate manpower to provide advisory assistance or support to international organizations and foreign nations on defense-related matters (DoD Function Y320) on behalf of the Department as military code F *if* the work requires military-unique knowledge and skills.

7. Exemptions for Esprit de Corps and Military Support (Code G). DoD Components shall designate a limited number of manpower in infrastructure activities with code G *if* the Department determines they are needed for “esprit de corps” or “military support” reasons. These exemptions are intended to (1) demonstrate the Department’s commitment to the military and civilians that serve their Nation; (2) engender group spirit, camaraderie, and a sense of pride in the men and women who serve the Department; (3) foster family and public support; (4) build military cohesion; and, (5) assist in meeting recruitment and retention objectives.

7.1. Exemptions for “Esprit de Corps.” Examples include: military bands; honor guards; Navy Blue Angels; and the Superintendents, Deans, Chaplains, Directors of Administration, and Quartermasters for the Corps of Cadets at the military academies. This manpower is military essential and exempt from private sector performance. Under the manpower mix order of precedence, “Exemptions for Military and Civilian Wartime Designations (dual status)” takes precedence over “Esprit de Corps.” Therefore, manpower that promote “esprit de corps” during peacetime but are dual-tasked for wartime assignments (such as Thunderbirds, Golden Knights, Army Marksmanship Units, and Parachute Units that demonstrate military expertise to the public) are coded D. Only manpower that promote military “esprit de corps” during peacetime and war are coded G.

7.2. Exemptions for “Military Support.” Examples include: civilian faculty at the military academies; principals and faculty at DoD Dependent Schools; and, the Army Director of Religious Education. This manpower is civilian essential and exempt from private sector performance. These are exemptions for functions that can be performed by the private sector but without the same effect—i.e., direct involvement in these activities by DoD civilians demonstrates the Department’s dedication to family matters and carries special meaning for military members and their families.

8. Continuity of Infrastructure Operations (Code H).

8.1. Continuity of Operations During a War or Crisis Situation. DoD Components shall designate manpower in infrastructure activities as civilian code H *if* (1) the incumbents provide a ready and government-controlled source of technical

expertise or operational capability that is essential for the effective and timely response to, and sustainment of, a mobilization or other emergency requirement; and (2) military-unique knowledge and skills are *not* required for proper performance of the duties. This manpower is civilian essential and exempt from private sector performance.

8.1.1. Key Manpower. Manpower authorities shall ensure that activities with wartime missions that employ code D military have a sufficient number of civilians to continue operations until vacated military positions can be back-filled with military or DoD civilians, or replaced by contract personnel. DoD Components shall designate civilian positions that cannot be vacated during a national emergency or mobilization without seriously impairing the ability of the activity to function effectively as civilian code H. (These positions are also designated as “key” manpower following the procedures in DoD Directive 1200.7 and DoD Directive 1352.1.) Coding for this manpower shall be centrally managed at the DoD Component headquarters by manpower management officials.

8.1.2. Direct Patient Care. DoD Components shall designate civilian manpower that provide direct patient care in DoD hospitals (DoD Functions H100-H107, H113, H119, H125, H127, H203, and H710) as civilian code H *if* the manpower is needed to maintain the quality of direct patient care for the beneficiary population as prescribed by Part I, Chapter 1, section C.2. of OMB Circular No. A-76, Revised Supplemental Handbook.

8.1.3. Core Logistics Capability. DoD Components shall designate manpower in infrastructure activities that provide a “core logistics capability” as civilian code H *if* they provide a ready and controlled source of technical competence necessary to ensure an effective and timely response to a mobilization, national defense contingency situation, or other emergency as required by Sections 2464(a)(3) and 2464(a)(4) of title 10, United States Code.

8.2. Continuity of Peacetime Operations.

8.2.1. DoD Components shall code civilian manpower that perform work that is non-severable from work performed by other inherently governmental or exempt manpower (i.e., separation would cause adverse impact) as civilian code H *if* it is required for the efficient and effective operation of an inherently governmental or exempt activity *and* military-unique knowledge and skills are *not* required for proper performance of the duties. For example, this includes non-severable research and development work. (See “Guidance for Risk Assessments” at Enclosure 8.)

8.2.2. DoD Components shall designate sufficient manpower for maintaining a minimum core capability of specialized, scientific, technical, or unique skills to ensure the Department can fulfill its mission responsibilities or meet emergency short suspense requirements consistent with Part I, Chapter 1, Sections C.3 and C.4 of Circular No. A-76 Revised Supplemental Handbook. These are

commercial activities operated by a cadre of highly or uniquely skilled employees in a specialized, technical, or scientific area.

9. Military Augmentation of Infrastructure Activities During a Crisis, Mobilization or War (Code I). During a mobilization or other crisis situation, code D military personnel dual-tasked for wartime assignments may be reassigned to operating units and the positions back-filled. DoD Components shall designate manpower that back-fill positions in the infrastructure vacated by Active-duty military as military code I *if* the duties require military-unique knowledge and skills. DoD Components shall designate manpower that augment infrastructure activities during a crisis, mobilization, or war due to increased workload as military code I *if* the work requires military-unique knowledge and skills. These are usually Reserve Component manpower (e.g., Individual Mobilization Augmentees). This manpower is military essential and inherently governmental. Manpower management officials at the DoD Component headquarters shall decide the number and skills required for a mobilization, war, or other emergency and centrally managed the coding for this manpower. DoD Components shall use a formally approved process for determining mobilization manpower requirements and manpower demands as required by DoD Directive 1100.18.

10. Civilian and Military Rotation (Code J). Coding for this manpower shall be centrally managed at the DoD Component headquarters by manpower management officials.

10.1. Civilian Rotation. Manpower authorities shall designate manpower in the infrastructure that perform work that could be considered for private sector performance as civilian code J *if* it is needed to provide a rotation base for civilian career-conditional and career employees assigned to positions outside the U.S. because the number of manpower coded A through I is not sufficient to satisfy peacetime rotation requirements. This manpower must be part of a formal rotation program approved by the DoD Component civilian personnel authority to be coded J. This manpower is civilian essential and exempt from private sector performance.

10.2. Military Rotation. Manpower authorities shall designate manpower in the infrastructure that would not otherwise require military incumbents as military code J *if* it is needed to provide a rotation base for overseas or sea-to-shore assignments because the number of manpower coded A through I is not sufficient to satisfy peacetime rotation requirements. This manpower is military essential and exempt from private sector performance. Manpower numbers shall be determined by occupational specialty using formally approved processes and based on established assignment, rotation, and career development policies and personnel tempo (PERSTEMPO) goals. (Policies governing military assignments, overseas and sea-to-shore tour lengths, and rotation practices are addressed in DoD Directive 1315.7.)

11. Civilian & Military Career Progression (Code K). Manpower authorities shall ensure that these designations are structured to provide reasonable opportunities for the development of both military and civilian personnel as required by DoD Directive 1100.9. Coding for this manpower shall be centrally managed at the DoD Component headquarters by manpower management officials.

11.1. Civilian Career Progression. Manpower authorities shall designate manpower in the infrastructure that perform work that could be considered for private sector performance as civilian code K *if* it is needed to provide developmental positions (career paths) for technical or leadership skills because the number of manpower coded A through J does not provide adequate career progression opportunities. This manpower must be part of a formally approved developmental program that provides progression into civilian positions that require technical or leadership skills that cannot be taught or directly acquired from the private sector. This manpower is civilian essential and exempt from private sector performance.

11.2. Military Career Progression. Manpower authorities shall designate manpower in infrastructure activities that do not otherwise require military incumbents as military code K *if* it is needed to provide career paths for military personnel because the number of manpower coded A through J is not sufficient to satisfy peacetime military career progression requirements. This manpower is military essential and exempt from private sector performance. Manpower authorities shall determine this manpower by military occupational specialty using a formally approved process that takes requirements for “Military Rotation (code J)” into consideration.

12. Restricted by Law, Executive Order, Treaty or International Agreement (Code L).

12.1. Laws and Executive Orders. DoD Components shall designate military and civilian manpower with code L *if* the activity is *not* inherently governmental or exempt from private sector performance for reasons covered by criteria A through K *but* the activity is restricted from private sector performance due to a law or Executive Order. Examples include manpower:

12.1.1. for fire fighting and security guard functions (DoD Functions S440 and S510, respectively) at DoD military installations and facilities covered by Section 2465 of title 10, United States Code, that are *not* coded A through K;

12.1.2. for depot-level maintenance and repair functions (DoD Functions K531 through K999) to comply with the 50 percent rule in Section 2466 of title 10, United States Code, in addition to what is coded for a core logistics capability required by Section 2464 of title 10, United States Code;

12.1.3. for dual status military technicians within the congressionally authorized end-strength required by Section 115(g) of title 10, United States Code, that are *not* coded A through K;

12.1.4. for the military Superintendent and civilian Academic Dean at the Navy Postgraduate School, identified in Sections 7042 and 7043 of title 10, United States Code; and those civilian senior, associate, and assistant professors; civilian instructors; military instructors, and military administrators designated pursuant to Sections 7042 and 7044 of title 10, United States Code (DoD Function U520). *Note the Superintendent and Academic Dean must be military and civilian, respectively; others may, but need not, be designated as such;*

12.1.5. for personal services covered by Part 37 of the Federal Acquisition Regulation that are *not* coded A through K; and,

12.1.6. with access to trade secrets that cannot be properly safeguarded as required by Section 1905 of title 18, United States Code, that are *not* coded A through K.

12.2. Treaties and International Agreements. DoD Components shall designate manpower as foreign national code L *if* the support is provided to the DoD by direct or indirect hire foreign nationals under the terms of a treaty or international agreement. This includes situations where the terms of a treaty or international agreement specifically require the U.S. to use foreign nationals or make it impractical to convert from foreign national support. For instance, under the Army's cost-sharing agreements with the governments of Korea and Japan, 70 percent and 100 percent of the costs of the foreign national workforces are borne by the Korean and Japanese governments, respectively. The replacement costs make it impractical to switch from foreign national support.

13. Restricted by DoD Management Decision (Code M). DoD Components shall designate military and civilian manpower with code M *if* a DoD official that exercises management authority over a functional area has exempted the manpower from private sector performance for reasons not covered under criteria A through L above. This authority is vested in Secretaries of Military Departments; Directors of Defense Agencies and DoD Field Activities; Under and Assistant Secretaries of Defense and the Military Departments; Chairman of the Joint Chiefs of Staff; and the Combatant Commanders. This authority shall not be delegated below the Assistant Secretary or equivalent level. DoD officials may restrict manpower from private sector performance for the following reasons.

13.1. Pending Risk Assessments. This includes manpower that has been exempted from private sector performance because the work might involve national defense or intelligence security risks but the risk assessment has not been completed. This exemption is temporary—i.e., not to last longer than three years, pending the results of the risk assessment.

13.2. Pending a Final Department Decision. This includes manpower that has been exempted from private sector performance because the work has a DoD Component exemption that has not been approved by OSD. This exemption is temporary—i.e., not to last longer than three years, pending a formal Department decision.

13.3. Emergency Manpower. This includes manpower that perform essential services during a crisis situation when the military commander has concerns the incumbent contractor will not be able or does not intend to perform the service. This manpower is designated on an emergency basis as a safeguard against premature loss or interruption of essential support as required by DoD Instruction 3020.37.

14. DoD Components shall designate all other manpower requirements as subject to cost comparison, direct conversion to private sector performance, pending restructuring decisions, and reviewable for alternatives to A-76 based on the manpower mix criteria codes P, R, W, and X as defined below. DoD Components shall periodically review the work to determine if it can be more efficiently or cost-effectively performed by another source (through a contract with the private sector, or an intra-governmental support agreement with a non-DoD agency).

14.1. Pending Restructuring Decision (Code P). DoD Components shall use code P for all DoD military or civilian manpower performing work in a function that has been deferred from a cost comparison or direct conversion to contract performance, pending the results of an approved force restructuring decision. This code is limited to restructuring initiatives such as approved base closures, or functional realignment or consolidation actions that have been approved in writing.

14.2. Subject to Review (Code R). DoD Components shall use code R for DoD military or civilian manpower performing work that is commercial in nature and subject to competition with the private sector. Additional reasons for using code R are:

14.2. 1. Retained In-house Based on Cost Comparison: DoD Component has determined within the last 5 years that DoD civilians (or, in certain situations, DoD military) perform the work in a more cost-effective fashion based on the results of a cost comparison.

14.2.2. Pending Contract Award: DoD Components shall use code R for civilian or military manpower that is in the process of being converted to contract support based on the results of a cost comparison or direct conversion.

14.2.3. Pending Cost Comparison Results: DoD Components shall use code R for all DoD military or civilian manpower performing work that is pending the results of an in-progress cost comparison.

14.2.4. Based on Terminated Cost Comparison: DoD Components shall use code R for DoD military or civilian manpower performing work in a function where a cost comparison was initiated but not completed due to exceeding legislatively-prescribed time completion constraints and was terminated.

14.2.5. Converted from Contract based on Cost Comparison: DoD Components shall designate manpower with code R when a contracted function has been converted from contract performance to in-house performance as a result of a cost comparison in accordance with OMB Circular A-76 and DoD Instruction 4100.33.

14.2.6. Converted from Contract Without Cost Comparison Due to Unsatisfactory Performance or Unreasonable Prices: DoD Components shall designate manpower with code R when a contracted function involving 10 or fewer FTE has been converted to in-house performance without a cost comparison based on a contracting officer's determination that (1) the performance was unsatisfactory and resolicitation has not resolved the unsatisfactory performance or (2) that fair and reasonable prices could not be otherwise obtained.

14.2.7. No Satisfactory Commercial Source: DoD Components shall designate military and civilian manpower with code R when the DoD Component's 9a official (per OMB Circular A-76, paragraph 9.a.) has certified that the contracting officer (or, other appropriate official) has demonstrated (pursuant to DoD Instruction 4100.33, reference (k)) one of the following [Note: The responsibilities of the 9a official will not be delegated below the Component Assistant Secretary or equivalent level.]:

14.2.7.1. After issuing a solicitation and receiving offers, it was determined that the use of a commercial source would cause an unacceptable delay or disruption of an essential program. DoD Components must document the impact on mission accomplishment in terms of cost or performance. (Temporary disruption resulting from conversion to contract is not sufficient support for such a finding, nor is the possibility of a strike by contract employees.)

14.2.7.2. No satisfactory commercial source was capable of providing the product or services based on the lack of a response to a formal solicitation.

14.3. Nonpackageable Commercial Activity (Code W). DoD Components shall designate manpower performing commercial activities with code W when a competition is not possible because the work is not packageable in such a

manner as to make competition with the private sector possible. This code must be limited to very few positions performing only commercial activities. Before using this code, the positions must be certified as nonpackageable by the DoD Component's 9a official (per OMB Circular A-76, paragraph 9.a.) or the Assistant Secretary responsible for the Inventory. This code is not to be confused with non-severability as described in the Code M definition.

14.4. Alternatives to A-76 (Code X). DoD Components shall designate manpower with code X when the Component has determined that the commercial activity can be divested or converted to private sector performance using processes other than OMB Circular A-76 competitions or direct conversions. More specifically, manpower shall be coded X when the commercial activity is:

- exempt specifically from OMB Circular A-76 competition (such as research and development, depot maintenance, or architect and engineering covered by the Brooks Act); or,
- converted employing alternative techniques (such as public-private partnership, divestiture, and privatization initiatives).

Because the functions under code X may be *subject to performance by the private sector*, this code differs from code L, which applies if law, executive order, treaty or international agreement prohibits any means of contracting.