



DEPARTMENT OF THE ARMY
HEADQUARTERS, EIGHTH UNITED STATES ARMY
UNIT #15236
APO AP 96205-5236

REPLY TO
ATTENTION OF:

EACG

25 JUN 2008

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Foreign Language Proficiency Pay (FLPP) for Department of Defense (DoD) Civilian Employees

1. References:

a. Under Secretary of Defense memorandum, dated 3 Nov 2006, subject: Foreign Language Proficiency Pay for DoD Civilian Employees Performing Non-Intelligence Duties.

b. Under Secretary of Defense memorandum, dated 7 April 2008, subject: Foreign Language Proficiency Pay FLPP for DoD Civilian Employees.

2. Managers must determine if the foreign language is unique to the area and is of strategic interest in the performance of duties required. The purpose of this memorandum is to provide clarification that an employee meets the qualifying levels before authorizing FLPP. The required documentation includes:

a. Certification within the last 12 months;

b. Affirmation that the employee is assigned duties requiring proficiency in that foreign language; and

c. Affirmation that the employee does not currently receive comparable pay under 10 U.S.C. 1596 or Subchapter 1930 or DoD 1400.25M, DoD Civilian Personnel Manual.

3. The amount received is not to exceed 5% (may be less depending on individual circumstances) based on one or more of the following considerations:

a. The employee's measured proficiency level in the necessary language;

b. The operational need for the employee's language skills;

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- c. The difficulty of recruiting or retaining employees with the same proficiencies; and
 - d. The number of necessary languages in which the employee is proficient.
4. The authorized approving official may reduce or terminate FLPP at any time when it is determined that: the need has been reduced or eliminated; the assigned duties no longer require the skills for which the employee is receiving FLPP; or the employee no longer meets the certification requirements. The reduction or termination of FLPP may not be appealed.
5. FLPP under National Security Personnel System (NSPS) is a capability-based incentive; therefore FLPP can be paid to NSPS employees who maintain proficiency in a necessary language even though their current assignment does not require proficiency in that language.
6. Requests for all FLPP must include consideration of the above factors. There are many initiatives being explored to further the DoD goal in creating a workforce rich in foreign language capabilities. Although FLPP is one way to allow managers more flexibility to help recruit and sustain a civilian workforce with language capabilities, we must ensure the language is of strategic interest and unique to that area.
7. Each request will be submitted to the servicing CPAC for determination that all FLPP requirements are met. CPAC will route through the Directorate of Human Resources Management (DHRM) for review and endorsement. The completed package will be forwarded to the Chief of Staff for approval.



JOSEPH F. FIL, JR.
Lieutenant General, USA
Commanding

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UNDER SECRETARY OF DEFENSE
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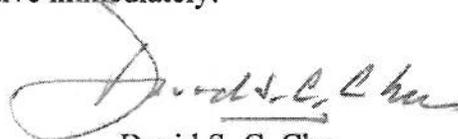
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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT
OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT
OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND
MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND
EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DEFENSE FIELD ACTIVITIES

Subject: Foreign Language Proficiency Pay for Department of Defense (DoD)
Civilian Employees Performing Non-Intelligence Duties

The attached guidance establishes DoD policy and delegates authority for payment of foreign language proficiency pay (FLPP) to eligible DoD employees assigned non-intelligence duties requiring proficiency in foreign languages identified as necessary for national security interests under section 1596a of title 10, United States Code (U.S.C.), as amended by section 1102 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Pub. L. 108-375 (October 28, 2004). Employees who receive FLPP under 10 U.S.C. 1596a may not concurrently receive FLPP under 10 U.S.C. 1596.

This memorandum is effective immediately.



David S. C. Chu

Attachment:
As stated



Department of Defense

Foreign Language Proficiency Pay for Non-Intelligence Positions Guidance and Procedures

A. General Information

1. Section 1102 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Pub. L. 108-375 (October 28, 2004), amended section 1596a of title 10, United States Code (U.S.C.), to permit foreign language proficiency payments (FLPP) to any qualified Department of Defense (DoD) employee who meets the criteria established in the law.
2. The Under Secretary of Defense (Personnel & Readiness) (USD(P&R)) has been designated primary responsibility for overall policy guidance in matters related to compensation (to include bonuses, special pay, and incentives) for all DoD personnel in DoD Directive 5124.02. In addition, the USD(P&R) has policy oversight for the Defense Language Program. In this capacity, the USD(P&R) publishes a DoD strategic language list (SLL) annually, which outlines languages in which the DoD has current and projected requirements.
3. Designees. Secretaries of the Military Departments and the Heads of Defense Agencies and DoD Field Activities with independent appointing authority for themselves and their serviced organizations may certify employee proficiency in a foreign language identified on the SLL using the Interagency Language Roundtable (ILR) criteria. This authority may be further delegated, in writing, to managers and supervisors for use in accordance with this policy.
4. This policy applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of 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 Department (hereafter collectively referred to as the "DoD Components").

B. Approval Procedures

1. A management official delegated the authority for approving payment (hereafter referred to as the authorizing official) must document that an employee meets the minimum qualifying levels of proficiency established

by the respective DoD Component before authorizing FLPP. The documentation includes:

- a. Certification, within the last 12 months, of the employee's proficiency in a foreign language as identified on the SLL or as determined by the Secretary as necessary for national security interests;
 - b. Affirmation that the employee is assigned duties requiring proficiency in that foreign language;
 - c. Affirmation that the employee does not currently receive comparable pay under 10 U.S.C. 1596; and
 - d. Affirmation that the employee does not currently receive comparable pay under Subchapter 1930 of DoD 1400.25-M, Department of Defense Civilian Personnel Manual.
2. Certification of the employee's foreign language proficiency level must be renewed annually.
3. Certification consists of a qualitative statement about the degree of skill that the employee possesses in a foreign language, based on B.4. below. Proficiency levels range from 0 (no proficiency) to 5 (functional native proficiency) in the skill areas of reading, listening, speaking, and writing as described by the ILR criteria. The minimum qualifying level for FLPP should not be less than ILR Level 2 proficiency in at least two of the skills listed in B.4.a., unless the authorizing official seeks and receives an exception from the USD(P&R) based on DoD operational needs.
4. Certification is based on:
- a. An employee's performance on the Defense Language Proficiency Test (DLPT) and/or the Oral Proficiency Interview (OPI), which are DoD official tests designed to measure an individual's ability to communicate in a foreign language in two or more modalities (i.e., listening, reading, speaking, and writing); or
 - b. An employee's performance, in the absence of the DLPT or the OPI, on a test that has been certified by the Commandant, Defense Language Institute Foreign Language Center, and approved by the USD(P&R).

5. Foreign National Employees.

- a. Foreign nationals hired by DoD in the United States into the civil service are eligible for FLPP.
- b. DoD Components also may pay FLPP to foreign nationals hired directly as employees of DoD overseas (i.e., direct hires), depending upon agreements between the United States and foreign governments, local national law, and DoD Component policy for awarding FLPP. Case-by-case determinations are required.
- c. Foreign nationals hired as employees of the host government and assigned to work with DoD on a reimbursable or other financial basis (i.e., indirect hires) are not eligible for FLPP.

6. Amount and Method of Payment.

- a. The amount of FLPP received by the employee shall be based on one or more of the following considerations:
 - i. The employee's measured proficiency level in the necessary language;
 - ii. The operational need for the employee's language skills;
 - iii. The difficulty of recruiting or retaining employees with the same proficiencies;
 - iv. The extent to which the employee performs tasks requiring proficiency;
 - v. The number of necessary languages in which the employee is proficient; and
 - vi. Other criteria the DoD Component determines are significant.
- b. FLPP shall be calculated as a percentage of the employee's adjusted rate of basic pay not to exceed five percent, and paid in the same manner and at the same time as basic pay (i.e., the allowance shall be paid at an hourly rate for each hour during which the employee receives basic pay).
- c. FLPP may be paid for proficiency in multiple languages; however, the total amount may not exceed 5 percent of the employee's adjusted rate of basic pay.

- d. FLPP is not considered as basic pay for any purpose and does not count toward retirement (including Thrift Savings Plan), insurance, or any other benefit related to basic pay. FLPP is not pay for purposes of a lump-sum payment for leave under 5 U.S.C. 5551 or 5552.
- e. FLPP is considered a discretionary continuing payment for purposes of calculating the aggregate limitation on pay under 5 U.S.C. 5307 and in 5 CFR 530.203.
- f. The authorized approving official may reduce or terminate FLPP at any time when the official determines that:
 - i. The need for the employee's proficiencies has been reduced or eliminated;
 - ii. The employee's assigned duties no longer require the skills for which the employee is receiving FLPP; or
 - iii. The employee no longer meets the certification requirements.
- g. The reduction or termination of FLPP may not be appealed; however, the preceding shall not be construed to extinguish or lessen any right or remedy an employee might have under other laws.

C. Documentation

- 1. DoD Components shall use the Defense Civilian Personnel Data System (or personnel database of record) to document the employee's foreign language; the employee's level of proficiency in that language; and the amount of proficiency pay.
- 2. DoD Components also shall maintain records of employee eligibility determinations as described in B.1. of this policy.

D. Accountability

- 1. The Heads of DoD Components shall ensure appropriate and effective use of this authority to support mission requirements.
- 2. The Authorizing Officials shall:
 - a. Determine which positions require the payment of FLPP within their organizations to support organizational mission requirements;

- b. Determine the amount of FLPP payable to each employee;
- c. Annually certify employee language proficiency;
- d. Keep accurate records of FLPP recipients and their eligibility determinations; and
- e. Conform to merit principles in all decisions/actions concerning FLPP.



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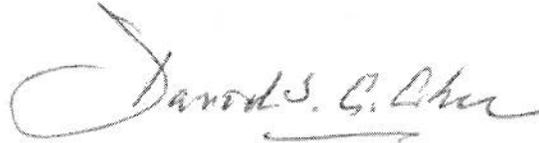
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SUBJECT: Foreign Language Proficiency Pay (FLPP) for DoD Civilian Employees

In an effort to respond to the growing need for foreign languages, the Department of Defense is engaged in an effort to transform how the Department values, employs, and deploys foreign language capability. The Quadrennial Defense Review (QDR) reflects the Department's overarching priority to build foreign language and regional proficiency capacity in areas of strategic interest. The Fiscal Year 2008-2013 Strategic Planning Guidance outlines the national commitment to developing the best mix of capabilities within the Total Force and provides additional emphasis to ensure effective implementation of QDR-directed enhancements of foreign language skills.

Many initiatives are being explored to further the Department's goal in creating a workforce rich in foreign language capabilities. Foreign Language Proficiency Pay (FLPP) is one flexibility available to managers to help recruit and sustain a civilian workforce with language capabilities that are critical to the Department. Policies have been implemented that allow payment of FLPP to eligible civilians in the intelligence, non-intelligence, and National Security Personnel System (NSPS) communities. Although the Department of Defense managers may pay FLPP to any members of the civilian workforce who are required to use a foreign language of strategic interest in the performance of their duties, managers of NSPS employees have even more flexibility. FLPP under NSPS is a capability-based incentive; therefore FLPP can be paid to NSPS employees who maintain proficiency in a necessary language even though their current assignment does not require proficiency in that language.

As we continue to reinforce the importance of foreign language and regional proficiency within the 21st Century Total Force, I ask for your support in strongly encouraging your organization to begin payment of FLPP to our civilian workforce, as needed, as an incentive to building and sustaining proficiency in languages of strategic importance. Questions regarding the aforementioned civilian policies should be referred to your local Human Resources office.

A handwritten signature in cursive script that reads "David S. C. Chu". The signature is written in dark ink and is positioned above the printed name.

David S. C. Chu