



DEPARTMENT OF THE NAVY
NAVAL MEDICAL RESEARCH CENTER DETACHMENT

LIMA, PERU
UNIT NUMBER 3800
APO AA 34041 - 3800

IN REPLY REFER TO

NMRCDINST 1610.1C
6 December 2002

NMRCD INSTRUCTION 1610.1C

From: Officer-in-Charge
To: Distribution List No. 1

Subj: EXTRA MILITARY INSTRUCTION (EMI); AUTHORITY AND
RESPONSIBILITY FOR DELEGATION OF

Ref: (a) OPNAVINST 3120.32C
(b) U.S. Navy Regulations, 1973
(c) Manual for Courts Martial, United States 1069 (rev)

Encl: (1) Assignment of Extra Military Instruction Form

1. Purpose. To establish policy, guidelines, definitions, responsibilities, and limitations in the awarding of EMI by officers and petty officers of this detachment.

2. Background.

a. Authority and Responsibility. Authority is not absolute and it cannot be applied in an indiscriminate manner. Authority is tied directly to duties and responsibilities and it is only in the fulfillment of assigned duties and responsibilities that authority within the Navy is granted to individuals. Exercise of authority, therefore, is inseparable from an acceptance of responsibility and is granted only to support the fulfillment of assigned duties and responsibilities. Authority falls into two categories: that general authority necessary to fulfill the duties and responsibilities held by all officers and petty officers by virtue of their positions within the Navy organization, and that organizational authority necessary to fulfill duties and responsibilities that an individual may hold by virtue of their assignment to a specific billet of this command. Navy policy concerning the use of authority is emphasized in reference (a).

(1) General Authority. General responsibility and duties of all officers and petty officers within the Navy are set forth in Article 1103 of reference (b) which requires that all persons in the naval service show in themselves a good example of

subordination, courage, zeal, sobriety, neatness and attention to duty. They shall aid to the utmost of their ability and extent of their authority in maintaining good order and discipline as well as other matters concerned with the efficiency of command. Extent of authority to fulfill general duties is set forth in Article 0811 of reference (b) which gives to all persons in the naval service the right to exercise authority over all persons who are subordinate to them. This authority is supported by Article 1104 of reference (b) which charges all persons within the naval service to obey readily and strictly and to execute promptly lawful orders of their superiors.

(2) Organizational Authority. Organizational authority held by all officers and petty officer derives from their assigned billet within this Detachment; the source of this authority rests in Article 0812 and 0829 of reference (b) which grants to officers, warrant officers, and petty officers necessary authority for performance of their duties.

b. Limitations of authority. Authority includes the right to require actions of others. Actions of others are directed by oral and written orders which are subject to general limitations; they must be lawful since subordinate are only required to obey lawful orders (Article 1104; reference (b)) and they must not be characterized by tyrannical or capricious conduct, or by abusive language (Article 0814, reference (b)). Since authority is given only to fulfill duties and responsibilities, only so much organizational authority as may be considered necessary to fulfill responsibilities need be delegated and it should never be delegated beyond the lowest level of competence. Authority may, therefore, be limited by command.

c. Lawful orders. An order must be lawful and any order imposing punishment outside the framework of the Uniform Code of Military Justice (UCMJ) is illegal. Punishment may only be directed through judicial process or non-judicially through Article 15, UCMJ. Authority to use non-judicial punishment is carefully reserved by UCMJ to certain commanders, commanding officers, and officers-in-charge. However, measures may be taken by officers and petty officers to correct minor infractions which do not merit punishment under Article 15 to correct deficiencies in a phase of military duty in which a subordinate may be deficient or to direct completion of work assignments which may extend beyond normal working hours. The following policy is established so that there is no divergence or uncertainty in the application of authority that officers and petty officers possess.

4. Policy guidance. To establish consistency within this detachment and to remove any uncertainty now existing, the following policy is established:

a. Extra Military Instruction (EMI). May only be assigned by the Leading Chief Petty Officers, Military Officers, or those of higher authority. The assignment will be in writing utilizing the Assignment of Extra Military Instruction form as shown in enclosure (1). A copy will be forwarded to the OIC and Leading Chief. The original will be sent to the AO for action. Upon satisfactory completion of EMI, it will be returned to the individual assigning EMI.

(1) Definition. Extra military instruction (EMI) is instruction in a phase of military duty in which an individual is deficient and is intended or directed towards the correction of that deficiency. EMI is a non-punitive measure sanctioned by paragraph 1280, reference (c), as a bonafide training device intended to improve efficiency of the command. It must, therefore, be genuinely intended as such and not used as a substitute for punitive action appropriate under the UCMJ. Extra instruction assigned must be logically related to the deficiency to be corrected.

(2) Implementation. EMI within this command shall be implemented, when required, within the following limitations:

(a) EMI will not normally be assigned for more than two hours per day.

(b) EMI may be assigned at a reasonable time outside normal working hours.

(c) EMI duration will be no longer than what is necessary to correct the training deficiency.

(d) EMI should not be assigned on member's sabbath.

(e) EMI will not be used as a method of depriving normal liberty. A member who is otherwise entitled to liberty may commence normal liberty upon completion of EMI.

(3) Authority. Authority to assign EMI to be performed after working hours rests in the OIC, but is delegated to officers and chief petty officers in connection with duties and responsibilities assigned to them. Therefore, authority to assign EMI to be performed after working hours is delegated to the AO, Department Heads (Military Officers only), and the Leading CPO. The administration of EMI within the command shall be monitored by seniors in the chain of command as part of their normal supervisory duties. Authority to assign EMI after hours may be withdrawn as provided in delegation of authority by the OIC. Duties and responsibilities should also be withdrawn if withdrawal of authority is considered appropriate.

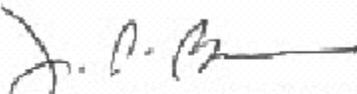
b. Withholding of privileges. Temporary withholding of privileges is sanctioned by paragraph 128C and 129 of reference (c) as another non-punitive measure. This authority may be employed by seniors to correct infractions of military regulations or performance deficiencies in their subordinates when punitive action is not appropriate due to the minor nature of the infraction or deficiency. A privilege is a benefit provided by the convenience or enjoyment of an individual. Examples of privileges that may be withheld as non-punitive measures are special liberty, 72 hours liberty, exchange of duty, special pay, special command programs, base library, base movies, base parking and base special service events.

(1) Authority. Final authority to withhold a privilege, however temporary, must ultimately rest with the level of authority empowered to grant that privilege. Therefore, authority of officers and petty officers to withhold privileges is, in many cases, limited to recommendations via the chain of command to the appropriate authority. Officers and petty officers are authorized and expected to initiate such actions when considered appropriate to remedy minor infractions as necessary to further efficiency of the command. Authority to withhold privileges of personnel in a liberty status is vested in the OIC; such authority, however, is delegated to the AO, but in no event may the withholding of such privileges be tantamount to the deprivation of liberty itself.

c. Extension of Working Hours. Deprivation of liberty as a punishment, except as specifically authorized under the UCMJ, is illegal. Therefore, it is illegal for any officer or petty officer to deny any other subordinates normal liberty, or privileges incident thereto, as punishment for any offense or malperformance of duty. It is however, necessary to the efficiency of this detachment that certain functions and work be accomplished in a timely manner. Therefore, it is not a punishment if persons in the naval service are required to remain on board and be physically present outside of normal working hours for work assignments that should be completed, or for additional essential work, or for work required to maintain essential operational readiness. Officers and petty officers who are assigned duties and responsibilities that may require them to extend working hours of their subordinates in order to complete their assigned duties or maintain the required level of readiness, are authorized to do so. Good leadership and management practice require that the impact of readiness and work requirements on normal liberty be kept under continuous review. Supervisory personnel will keep their immediate supervisors fully informed when they intend to direct their subordinates to work beyond normal working hours.

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d. Leadership. Seniors are expected to show in themselves a good example of subordination, zeal, and attention to duty. They must encourage, inspire, teach, stimulate and motivate their subordinate to gain acceptance of their authority they hold by virtue of their assigned duties. Resorting to imposition of withhold privileges and EMI should be taken only when counseling and normal instruction and training fail to accomplish the necessary objective. Such actions must be tempered with judicious recognition of exemplary behavior and performance. All officers and petty officers have the authority to publicly commend their subordinates when appropriate, and are expected to take the initiative in recognizing outstanding individuals.



J. P. BURANS

ASSIGNMENT OF EXTRA MILITARY INSTRUCTION

NAME: _____ DATE: _____

DEFICIENCY FOR WHICH EMI AWARDED:

EMI AWARDED:

TYPED NAME AND TITLE OF
INDIVIDUAL AWARDED EMI

SIGNATURE

I understand the conditions for which I have been given Extra Military Instruction and the terms of the EMI to correct my deficiency.

SIGNATURE

EMI was completed satisfactory/unsatisfactory.

Enclosure (1)

DATE

CDO SIGNATURE

Note: Forward original to AO for implementation. Send copy to Leading Chief.