

STATEMENT OF  
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(CIVILIAN PERSONNEL POLICY)  
DEPARTMENT OF DEFENSE

before the

SUBCOMMITTEE ON THE FEDERAL WORKFORCE, POSTAL SERVICE,  
AND THE DISTRICT OF COLUMBIA  
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
U.S. HOUSE OF REPRESENTATIVES

on

A CALL TO ARMS: A REVIEW OF BENEFITS  
FOR DEPLOYED FEDERAL EMPLOYEES

September 16, 2009

Chairman Lynch, Ranking Member Chaffetz, and Members of the Subcommittee:

On behalf of the Secretary of Defense, Robert M. Gates, I would like to thank you for inviting the Department of Defense (DoD) to appear at this hearing today to discuss the benefits available to our civilian employees deployed to austere environments like Iraq and Afghanistan. The Department appreciates the interest of Congress in ensuring that a comprehensive employment package is available to sufficiently and appropriately compensate deploying civilians for their dedication and sacrifice.

DoD civilian employees play an integral role in supporting our military members around the globe in all types of operations. Defense civilians have supported wartime and contingency operations throughout American history. Since 2001, more than 41,000 civilians have served or are currently serving in direct support of U.S. military operations in combat zones, including approximately 26,000 to Iraq and 7,900 to Afghanistan. Alongside of our military men and women, these

civilians have been called upon to support combat operations, expanded security, stability, transition and reconstruction operations (SSTRO); and assist with humanitarian, emergency, and other contingency operations. We are proud of our brave men and women who participate and support these types of complex operations and expeditionary requirements. Their sacrifice, service and experience are valued, respected and recognized as career enhancing. Some of our brave and dedicated employees and their families have made the ultimate sacrifice for our country while serving our DoD missions. For these brave injured and fallen civilians, for all their colleagues who have answered the call to serve, and for all those who will answer in the future, the Department is committed to ensuring these employees have the highest level of support and care as may be needed to serve our noble mission.

We have learned from focus group sessions the reasons why our employees volunteer for these types of assignments. The reasons vary, but may include a desire to serve our Country, witness results on the ground, and engage in this type of mission-focused work. They state that it is an honor and a privilege to serve our Country and to support our war fighters through their deployments. In return, our DOD civilians bring back broadened perspectives, critical experiences, and a deeper understanding of their role in support of DoD's expanding missions. The men and women who answer this call are making a critical difference in the support of the Department's U.S. forces and interagency and coalition partners.

## A NEW PARADIGM

The dynamic and asymmetric 21<sup>st</sup> century mission challenges require greater and more predictable expeditionary capability within the DoD's civilian workforce for a number of reasons:

- Help reduce stress on our military personnel – a top Department priority
- Leverage civilian talent to support non-warfighting requirements
- Grow and mature the competencies as an institutional capability for future missions
- Develop a reach back capability for current and future requirements

These challenges required significant organizational structural changes to embed a civilian capability that is ready, trained, and prepared to participate in and support military operations swiftly and competently, and one that provides for competent and compassionate continuum of support and care for our deployed civilians.

In response to these expeditionary missions, the Department developed a new framework through which an appropriately sized subset of the DoD civilian workforce is pre-identified to be organized, trained and equipped in a manner that facilitates the use of their capabilities for operational requirements. These requirements are typically away from the normal work locations of DoD civilians, or in situations where other civilians may be evacuated to assist military forces where the use of DoD civilians is appropriate. These employees are collectively known as the Civilian Expeditionary Workforce (CEW).

The CEW consists of positions that are designated as Emergency-Essential and Non-Combat Essential positions, and employee capabilities that are referred to as, “capability-based” DoD employee volunteers, who are organized, trained, and

equipped for rapid response and quick assimilation in support of DoD operations. The model also provides for the maintenance of a resume bank of individuals outside government, including former DoD employees, to serve expeditionary requirements or to fill backfill requirements while employees are deployed. The Department has standardized its personnel policies for such areas as designation of positions, pre and post deployment physicals and psychological health assessments, job return rights, benefits and incentives. We are currently developing standardized personnel procedures such as readiness and deployment indices, training curriculum and simulation exercises and other administrative preparedness requirements.

These efforts have been informed by a comprehensive review of DoD and interagency human capital policies, practices, benefits and incentives supporting deployed civilians. We launched DoD Working Groups and Design Teams, conducted Employee Focus Groups sessions, partnered with our interagency colleagues to form an Interagency Working Group for the standardization of benefits and incentives, conducted on-site visits to Iraq (2007-2008), and reviewed lessons learned. This comprehensive initiative resulted in the approval of new policies institutionalized in Department of Defense Directive 1404.10, DoD Civilian Expeditionary Workforce, published on January 23, 2009, and the proposal of numerous additional initiatives.

To operationalize the new framework, the Department stood up the CEW Readiness Unit, a new organizational entity within the DoD Civilian Personnel Management Service (CPMS), whose mission is to assure the readiness (competencies and capabilities) of the civilian workforce to meet mission requirements. The CEW Readiness Cell serves as a central operational Executive Agent with management authority to recruit and fill mission critical Joint Task Force (JTF) positions and serves as a personnel readiness and planning authority

to source combatant command validated and approved individual augmentation (IA), and Request for Forces (RFF) civilian expeditionary requirements. The Readiness Unit recently assigned a case manager to each deployed civilian who helps shepherd our employees through the pre-deployment, deployment and post-deployment process.

Among other organizational changes to support the CEW, the Department has installed a process to ensure the Total Force capability is considered when filling expeditionary requirements. Strategic Human Capital advisors are planned for all our geographic commands to assist and provide advice on civilian capabilities. Two Strategic Human Capital advisors are currently on board at the U.S. Central Command and U.S. European Command. Further, we have adopted a civilian workforce planning process that includes the use of functional community managers who will monitor the readiness of our workforce and maintain visibility of workforce strength, capability and availability for deployment.

Building a strong DoD civilian expeditionary workforce also requires promoting the right incentives and benefits to entice applicants for jobs with expeditionary missions and to compensate for the inherit risks and asymmetric work environments.

## **PAY AND INCENTIVES**

Thanks to strong support from the Congress, we have also been able to offer additional financial incentives to our Federal civilian employees serving in Iraq and Afghanistan. As part of their compensation package, deployed civilians assigned to Iraq and Afghanistan receive a 35 percent Danger Pay allowance, a 35 percent Foreign Post Differential, for a total of an additional 70 percent of their basic pay.

In addition, I also want to thank the Congress for its support in passing Public Law 109-234, Section 1063, which authorized agencies to provide allowances, benefits, and gratuities comparable to those provided to members of the Foreign Service. These benefits were extended in last year's National Defense Authorization Act through Fiscal Year 2011. They include such benefits as an enhanced death gratuity, travel, home leave, emergency visitation travel, and rest and recuperation (R&R) trips. Our DoD civilians singled out the authorized R&R trips (long-standing practice for members of the Foreign Service) as particularly critical to maintaining a personal momentum, motivation, and level of effectiveness during extended deployments of many months. The Department, under its own authority, authorized in August 2008, up to 10 workdays of excused absence for DoD civilians employees assigned to Iraq or Afghanistan during each of the authorized R&R trips, not to exceed a total of 20 workdays during a 12 month deployment.

Further, the Department issued implementing policy for DoD employees in April 2007 (for death benefits) and the opportunity to elect or increase coverage of Federal Employee Life Insurance coverage life insurance if such coverage had been previously waived. Particularly relevant and meaningful are those authorities for the death gratuity equivalent to that provided to Foreign Service members (one year's salary), or the enhanced death gratuity granted in NDAA 2008 of \$100,000.

Since 2005, the Department has requested and received authority to temporarily increase the limitation on premium pay earnings under section 5547 of title 5 United States Code. This authority, applicable to most Federal civilian employees assigned to combat zones, increases the limitation on premium pay earnings to the salary of the Vice President (\$227,300 for 2009). This premium pay cap authority has been implemented in Iraq and Afghanistan and proven to be an important incentive to DoD employees who perform work outside of normal duty hours.

The Department is also appreciative of the most recent legislation to temporarily eliminate the aggregate limitation on pay (established in section 5307 of title 5 U.S.C.) so that these employees can receive immediately the compensation they have earned. This incentive alone permits deployed civilians to maximize their earning power in the year in which they serving. In these economic times, this incentive is most valued and appreciated.

Additionally, employees serving in Iraq and Afghanistan for 30 consecutive days or 60 non-consecutive days are eligible for the Secretary of Defense Global War on Terrorism (GWOT) medal. This medal is a campaign medal and was created to recognize and honor the contributions of our DoD civilians in direct support of the Department's contingency operations. Those who pay the ultimate sacrifice and are injured or killed in theater may be eligible to receive the Defense of Freedom medal. This medal is the civilian equivalent of the military's Purple Heart.

### **MEDICAL SCREENING AND CARE FOR DEPLOYED CIVILIANS**

The Department takes seriously the need to protect the health of deployed civilian employees and to medically assess all those who serve expeditionary requirements. Prior to deploying, DOD civilian employees are required to obtain a physical examination. The purpose of this examination is to determine the presence of any nondeployable medical condition. Combatant Commands identify nondeployable medical conditions for deployment operations, along with required immunizations. These employee records are reviewed as part of our civilian employee's pre-deployment processing. If any nondeployable medical condition is identified during this review, the employee is not permitted to deploy. Further, all DoD civilians are required to have a pre-deployment health assessment within 60

days prior to departure. These records provide a baseline for the medical screen that is conducted upon the employee's return from deployment. Upon return from the deployment, DoD civilians are required to have a post-health assessment within 30 to 60 days following their return from the deployment, and a health reassessment between 90 and 180 days of return from the deployment in accordance with DoDI 6490.03, "Deployment Health," August 11, 2006. The Armed Forces Health Surveillance Center is the central repository for receiving, reviewing and reporting of health issues during and post deployment.

The Department of Defense has established medical treatment policies that ensure civilians who become ill, contract diseases, or who are injured or wounded while deployed in support of U.S. military forces engaged in hostilities, receive medical evacuation and health care treatment and services in military treatment facilities (MTFs) at no cost and at the same level and scope provided to military personnel.

The Department recently established the DoD Centers of Excellence for Psychological Health and Traumatic Brain Injury (DCoE). The centers are designed to focus on quality programs and advanced medical technology to provide unprecedented expertise in psychological health and traumatic brain injuries. The goal is to assure that military and civilian personnel who have deployed are supported with standardized and comprehensive screening, diagnosis, and care for all levels of traumatic brain injury and post-traumatic stress disorder. The Centers ensure that the Military Departments incorporate best practices in their programs to assess, validate, oversee, and facilitate prevention, resilience, identification, treatment, outreach, rehabilitation, and reintegration programs for psychological health and traumatic brain injury to ensure the Department meets the needs of the nation's military communities and their families.



Deployed DoD civilian employees who were treated in theater continue to be eligible for treatment in an MTF or civilian medical facility for compensable illnesses, diseases, wounds, or injuries under the Federal Employees' Compensation Act (FECA), administered by the Department of Labor's Office of Workers' Compensation Programs (DOL OWCP), upon their return at no cost to the employee. DoD deployed civilians who have compensable illnesses, diseases, wounds, or injuries under the FECA also are eligible for treatment in an MTF or civilian medical facility at no cost to the employee.

Since 2004 DoD has been providing DoD civilians the capability of filing Traumatic Injury (CA-1) or Occupational Disease (CA-2) claims electronically. One feature of that electronic filing process is that employees who file traumatic injury claims obtain immediate written information and instructions regarding the medical evidence needed in a FECA claim. This information can be immediately made available to treating physicians and other health care providers. Establishing the appropriate evidentiary documentation early on is a critical step in expediting the review and processing of the injury claims.

The Department also has worked with our Department of Labor colleagues to improve and streamline service. The Department of Labor instituted a special series of case file numbers for the claims of deployed civilians, and DOL OWCP has assigned these cases to an office dedicated to reviewing, adjudicating, and processing FECA civilian injury claims for Iraq and Afghanistan.

On September 23, 2008, the DOL OWCP signed a letter agreeing to certain principles regarding the processing of deployed civilian workers' compensation claims. Under this agreement, DOL agreed that prior to issuing a denial to any DoD employee injured in a war zone, they will notify the DoD Civilian Personnel Management Services (CPMS) Injury & Unemployment Compensation Division if

evidence is not sufficient. This special handling has resulted in faster and better responses to employees.

### **MEDICAL CARE FOR ALL Non DoD FEDERAL CIVILIANS**

The Department also provides emergency care in theater to other Federal civilian employees as may be needed. Approving medical care at MTFs for non-DoD U.S. Government civilian employees is outlined in DoD policy guidance memorandum of September 24, 2007 that states: "The Under Secretary of Defense (Personnel and Readiness) under compelling circumstances is authorized to approve additional eligibility for care in MTFs for other U.S. Government civilian employees who become ill, contract diseases, or are injured or wounded while forward deployed in support of U.S. military forces engaged in hostilities, or other DoD civilian employees overseas."

### **FAMILY SUPPORT AND ASSISTANCE**

The Department continues to strengthen its capacity to serve families of DoD civilians better. We require family care plans to ensure that our families are aware of and understand the benefits and entitlements provided to them through their spouses' employment. Our DoD Components offer outreach and assistance during deployments and ensure that a full continuum of care is provided. There are also an array of benefits and services available to the families of deployed civilians including child care and development, casualty assistance, stress management, counseling, education for family members, housing and moving support, legal assistance, personal financial management, special needs support, spouse employment, suicide prevention, transition assistance, and many more. Several programs also provide resources for families with young children experiencing the effects of deployment or changes to a parent due to a combat-related injury.

Information on these resources and support services is readily available at MilitaryHOMEFRONT (<http://www.militaryhomefront.dod.mil>), the Department of Defense Website for official information, policy and guidance designed to help DoD civilians and their families. There are special programs available to both our deployed military and civilian personnel in our Department of Defense Education Activity (DoDEA) schools, including using technology to take high school graduations.

Curriculum and training are being designed specifically for our families of deployed DoD civilians employees and is intended to deepen their understanding of deployment requirements, benefits and entitlements, as well as issues likely to be faced by the employee during and following a deployment.

### **THE WAY FORWARD**

As we learn through our continued engagement, improvements in benefits and incentives are still needed for more uniformity and consistency of similarly situated Federal civilians. As I referred to earlier in my testimony, the Interagency Working Group reviewed practices and authorities for deployed civilians. Representatives from the Office of Personnel Management and the Department of State (DoS) participated in the Working Group sessions as well as many agencies and components within DoD. The Working Group is developing several proposals with a goal of producing an incentive and benefit package that would apply to all federal civilians deployed to areas of armed conflict, creating greater equity among all deployed civilians.

### **CONCLUSION**

In closing, I want to reiterate DoD's commitment to working with Congress and other agencies to ensure that all civilians who deploy to areas of armed conflict receive the necessary medical care and the incentives and benefits that compensate them for the inherent risks of deployment. An agile civilian workforce with expeditionary capabilities prepares the Department to prevail in its national security endeavors. These challenges almost always are addressed in collaborative partnership with other Federal agencies and coalition partners. We believe that it is the responsibility of all senior leaders at all levels of the Department to see that policies and procedures are designed and implemented to create the quality and caliber of DoD civilian employees needed to meet the Department's 21<sup>st</sup> century mission requires. We are grateful for the support of Congress in helping us to achieve this mission imperative.

Thank you again for your continued interest in our deployed civilians and the opportunity to speak with you today. I would be happy to respond to any questions you may have.