

SC1003. SUBCHAPTER 1003

DEFENSE INTELLIGENCE SENIOR LEVEL (DISL) PROGRAM

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SC 1003. SUBCHAPTER 1003DEFENSE INTELLIGENCE SENIOR LEVEL (DISL) PROGRAM

- References:** SC1003(a) DoD Directive 1400.35, "Defense Civilian Intelligence Personnel System (DCIPS)," March 18, 2002
SC1003(b) Sections 1601-1614 of title 10, United States Code
SC1003(c) Title 5, United States Code
SC1003(d) DoD Directive 5145.4, "Defense Legal Services Agency," December 15, 1989
SC1003(e) DoD 1400.25-M, "Civilian Personnel Manual," December 3, 1996, Chapter 1000, "Alternative Civilian Personnel Management Systems"
SC1003(f) DoD Directive 1000.17, "Detail of DoD Personnel to Duty Outside of the Department of Defense," February 24, 1997

SC1003.1. PURPOSE

This Subchapter:

SC1003.1.1. Implements policies, responsibilities, and guidance for the Defense Civilian Intelligence Personnel System (DCIPS) (references (a) and (b)).

SC1003.1.2. Establishes policies, prescribes authorities, and assigns responsibilities for the administration of Defense Intelligence Senior Level (DISL) positions.

SC1003.2. APPLICABILITY AND SCOPE

This Subchapter applies to the Department of Defense (DoD) Intelligence Community (IC) that includes in DoD Intelligence Components and positions and organizations in the Non-Intelligence Components (hereafter referred to as "DoD IC").

SC1003.3. DEFINITIONS

SC1003.3.1. Appointing Official. Person authorized to appoint candidates to DISL positions under paragraph SC1003.4.4.3.

SC1003.3.2. DoD Intelligence Community. The DoD Intelligence Components and positions or organizational elements under paragraph 5.1.6. of reference (a).

SC1003.3.3. Defense Intelligence Senior Level (DISL). A functional/technical expert who is a recognized leader and authority in a specialized field or functional area but exercises no more than minimal supervisory responsibilities (performed less than 25 percent of the time). The difficulty, complexity and novelty of DISL work require creativity, mastery of subject-matter field, and recognition by the professional community. Such positions are established under

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section 1607 of reference (b) and do not have the organization or program management responsibilities appropriate for the Defense Intelligence Senior Executive Service (DISES). DISL positions are classifiable above grade GS-15 of the General Schedule and are equivalent to Senior Level (SL)/Scientific and Professional (ST) positions under reference (c).

SC1003.3.4. **Dual Track.** Allows the opportunity to move between supervisory/managerial and non-supervisory/technical positions by means of a detail (for temporary dual-track movement) or reassignment (for permanent dual-track movement). Allows parallel salary and advancement opportunities for both tracks.

SC1003.3.5. **Functional Chief.** The Under Secretary of Defense for Intelligence (USD(I)), the Head of a DoD IC Component, or the Senior Military Intelligence Officer of each Military Department.

SC1003.4. POLICY

It is DoD policy under reference (a) that:

SC1003.4.1. Reference (b) establishes the DISL program as the senior-level program within the DoD IC. The DISL authority may be used for political appointments.

SC1003.4.2. DISL program implementation and management shall be consistent across the DoD IC, except where this Subchapter and reference (a) specifically authorize otherwise.

SC1003.4.3. The DoD IC Components may not modify provisions of this Subchapter, but may issue internal implementing guidance.

SC1003.4.4. DCIPS authorities for administration of the DISL program include, but are not limited to the following:

SC1003.4.4.1. **Classification.** DoD IC Components shall classify DISL positions in accordance with SC1003.3.3. and consistent with section 1607(a) of reference (b).

SC1003.4.4.2. **Boards and Panels.** The DoD IC Components may establish, as necessary, boards or panels to provide recommendations on senior level management matters such as candidate qualifications, performance evaluations and professional development.

SC1003.4.4.3. Selection, Appointment, Promotion, and Assignment.

SC1003.4.4.3.1. The Secretaries of the Military Departments may select, appoint, initially promote, and assign individuals to those DISL positions within allocations functionally approved by USD(I) consistent with the law and this Subchapter. They may delegate this authority, in writing, to the Assistant Secretary level.

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SC1003.4.4.3.2. DoD IC Components outside the Military Departments may select, appoint, initially promote, and assign individuals to DISL allocations functionally approved by USD(I) consistent with the law and this subchapter, and subject to provisions of reference (d) for positions in the Defense Legal Services Agency (DLSA).

SC1003.4.4.3.3. DoD IC Components shall establish and implement merit based procedures for filling DISL positions within their DoD IC Component consistent with section 1607 of reference (b) and this subchapter. When recruiting from external sources, the DoD IC Components have the authority to identify, recruit, and appoint directly from any non-Federal applicant source through a process of open competition (e.g., publication of vacancy notices). Reassignments (internal to the Component) or lateral moves (DCIPS transfer or new appointment) between DISL or equivalent Intelligence Community senior level positions, may be made non-competitively. Reassignment or transfer from a DISES to a DISL position may be made non-competitively based on certification of technical qualifications by a board, panel, or by the Head of the DoD IC Component.

SC1003.4.4.3.4. DoD IC Components shall provide advanced notification to employees occupying non-DCIPS SL/ST or equivalent positions according to each system's applicable laws and regulations before they convert encumbered positions to DISL. If an employee declines to convert to DISL and the SL/ST or equivalent position is abolished, the incumbent may be subject to removal or other procedures according to the applicable laws and regulations that apply to their respective system.



SC1003.4.4.3.5. Upon initial appointment to a DISL position, an appointee will serve a DISL trial period of one year. This trial period shall be served concurrently with any other DoD IC Component trial periods in accordance with SC1005 (reference (e)). Reassignment or transfer from a DISES to a DISL position will require a one-year DISL trial period. Appropriate credit will be given for previous successful completion of a probationary or trial period in a DISL, SL, ST, or equivalent senior level position.

SC1003.4.4.3.6. DISL positions shall be filled under the DCIPS appointing authority, section 1601 of reference (b), by permanent or non-permanent appointment in accordance with reference (b) and this regulation. Non-permanent appointments include, but are not limited to Temporary Appointment, DCIPS Term Appointment (DTA) (SC1005.5.8. of reference (e)), and Title 10 Time-Limited Appointment (10TLA) (SC1005.5.9. of reference (e)).

SC1003.4.4.3.7. Conditions of employment or assignment will be imposed when required by law or regulation, or when determined by appropriate management authority to be in the best interests of DCIPS, or national security, or mandatory for effective performance in the position. Examples of conditions of employment include, but are not limited to, the requirement to sign a mobility agreement, obtain and maintain access to the level of classified information required for a position, file a financial disclosure statement, undergo a periodic polygraph examination, meet drug testing requirements, or meet physical or medical standards. Conditions of employment or assignment and consequences of failing to meet required conditions will be documented by a signed statement of understanding from the employee. DISL applicants failing

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or refusing to meet applicable conditions of employment shall not be appointed. DISL employees failing or refusing to meet or maintain a condition of employment may be denied assignment to a position and/or be removed from a position requiring a condition of employment by reassignment, demotion, or removal from the Federal service in accordance with applicable DoD IC Component regulations.

SC1003.4.4.3.8. Details are time-limited assignments to a different position, organization, and/or movement across the dual track. Details may be competitive or non-competitive and may be processed on a reimbursable or non-reimbursable basis. The position of record and basic pay remain the same. DoD IC Components shall ensure that the use of details is limited so that the principles of employee equity, merit, and proper work force management are not compromised. DoD IC Components must meet any existing DoD regulations for the details of employees outside of DoD.

SC1003.4.4.3.8.1. Senior Level Equivalent to DISL. DoD IC Components may detail DISL employees or equivalent senior level personnel for periods up to one year and may extend such details in increments of one additional year, normally not to exceed a total of four years, subject to SC1003.4.4.3.8. Heads of DoD IC Components may approve continuing a detail beyond four years if required by mission exigencies. The rationale for approval shall be documented in writing.

SC1003.4.4.3.8.2. Executive to DISL. DoD IC Components may detail DISES or equivalent executive personnel for periods up to 180 days. For extensions beyond 180 days, certification of technical qualifications by a panel, board, or Head of the DoD IC Component is required.

SC1003.4.4.3.8.3. Non-DISL to DISL. Details of non-DISL to DISL positions should be kept to an absolute minimum and strictly controlled. Competitive procedures are required if the detail is longer than 180 days.

SC1003.4.4.4. Performance Evaluation and Awards System. Each DoD IC Component shall implement a performance evaluation and awards system consistent with the Department's Executive Pay and Performance Policy. The system shall be compliant with reference (d) for appraising performance and granting awards for DLSA DISL employees.

SC1003.4.4.5. Technical Leadership Development. Ongoing development of current and potential DISL employees is critical to performing effectively as technical leaders in an environment of constant change and advancing technology as well as to enhancing organizational achievement. DoD IC Components shall establish programs for initial and continuing development of individuals to include formal and informal training experiences, seminars, forums, rotational assignments, Intergovernmental Personnel Act assignments, and mobility assignments. Such programs will be responsive to DoD IC Components, DoD, and Intelligence Community requirements. Additional information on technical leadership development is provided in Subchapter SC1010 (reference (e)).

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SC1003.4.4.6. Rank Awards.

SC1003.4.4.6.1. Rank Awards recognize DISL employees overall high-level exceptional performance over a period of years and are comparable to awards in section 4507a of reference(c). Eligibility for these awards is conditioned upon completion of at least three years of Federal Service (need not be continuous) in a senior level and/or executive level position. The two Rank Award categories for DISL employees are:

SC1003.4.4.6.1.1. Distinguished Senior Career Professional - for "sustained extraordinary accomplishment."

SC1003.4.4.6.1.2. Meritorious Senior Career Professional – for “sustained accomplishment.”

SC1003.4.4.6.2. DoD IC Components may submit recommendations of DISL employees for Rank Awards annually through the Director for Administration and Management (DA&M) to the Secretary of Defense, according to established component procedures and a schedule determined by DA&M. DoD IC Components shall submit Rank Awards for DLSA DISL employees through General Counsel, Department of Defense/Director, DLSA, for approval according to reference (d).

SC1003.4.4.6.3. The Secretary of Defense shall review, approve, and submit DISL nominations to the President. A DISL employee awarded either the Rank Award of Distinguished or Meritorious Senior Career Professional may not receive the same award during the four fiscal years following the one in which the award was given. This restriction applies to rank awards previously received in a DISL, DISES, or equivalent position.

SC1003.4.4.6.4. An individual who receives either the Rank Award of Distinguished or Meritorious Senior Career Professional is entitled to a lump-sum payment consistent with amounts awarded under section 4507 of reference (c). The respective DoD IC Component is responsible for funding these awards in addition to basic pay and any other awards.

SC1003.4.4.7. Compensation.

SC1003.4.4.7.1. Rates of pay shall not be less than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule or greater than the maximum rate of basic pay established under reference (b). The rates of pay shall be set in relation to reference (c), and the DoD IC Component shall adjust DISL pay at the same time and to the same extent as adjustments to basic pay of equivalent positions under reference (c).

SC1003.4.4.7.2. When assigning a basic rate of pay for any new position assignment, the approving officials shall consider the level of responsibility of the position, the qualifications of the appointee, availability of other qualified personnel, and geographic and organizational location. In the Military Departments, the Functional Chief shall coordinate on basic pay rate

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recommendations for each DISL employee before approving or submitting recommendations to the Military Department approving official.

SC1003.4.4.7.3. In addition to any pay adjustment made under provisions of paragraph SC1003.4.5.7.1. above, a DISL employee's rate of basic pay may be increased one time in any 12-month period to any higher rate of pay within the DISL range based on performance and required endorsements.

SC1003.4.4.7.4. When circumstances warrant, DoD IC Components may reduce a DISL employee's rate of basic pay subject to written notice at least 15 days before the effective date with reason(s) (e.g., performance) for reducing pay.

SC1003.4.4.7.5. DoD IC Components may authorize additional compensation to recruit, relocate, and retain DISL employees consistent with limitations in reference (c).

SC1003.4.4.7.6. The aggregate amounts payable to a DISL employee during any calendar year (e.g., basic pay, performance, rank, or other awards) may not exceed limitations applicable to the Department of Defense under Chapter 99 of reference (c). Any eligible excess amounts shall be carried over and paid as a lump sum at the beginning of the next calendar year and shall be applied toward the Vice President's limitation for that year.

SC1003.4.4.7.7. DISL employees who are involuntarily separated from the Federal Service, not involving reasons for cause, are eligible for severance pay in amounts consistent with those authorized under provisions of reference (c).

SC1003.4.4.7.8. Accumulation of annual leave is subject to the limitations of section 6304 of reference (c).

SC1003.4.4.8. Adjustment in Force (AIF).

SC1003.4.4.8.1. DoD IC Components shall conduct AIF consistent with Subchapter SC1004 (reference (e)), which defines AIF at subparagraph SC1004.3.1. and provides AIF procedures at paragraph SC1004.5.

SC1003.4.4.8.2. The General Counsel, Department of Defense/Director, DLSA, shall in consultation with the DoD IC Component affected, conduct AIF for DISL employees covered under reference (d).

SC1003.4.4.9. Adverse Actions.

SC1003.4.4.9.1. Adverse actions taken against DISL employees shall be taken in accordance with provisions of SC1009 (reference (e)) and established DoD IC Component procedures. Any hearing or appeal shall be decided within DoD by the USD(I) or designee.

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SC1003.4.4.9.2. In addition to the above, adverse actions taken against DLSA DISL employees will be in accordance with reference (d).

SC1003.4.4.9.3. In addition to adverse actions, DoD IC Components may take actions such as counseling, admonishments, and written reprimands to correct delinquency or misconduct.

SC1003.5. **RESPONSIBILITIES**

SC1003.5.1. The **Under Secretary of Defense for Intelligence** shall:

SC1003.5.1.1. Provide policy oversight and direction in the implementation and administration of the DISL program.

SC1003.5.1.2. Review DISL allocations to ensure consistency with function and mission priorities.

SC1003.5.1.3. Serve as the final appellate authority for DISL appeals.

SC1003.5.2. **The Director, Administration and Management** shall:

SC1003.5.2.1. Track DISL allocations to DoD IC Components in accordance with reference (a).

SC1003.5.2.2. Establish procedures for reviewing DISL Rank Award nominations. Review and forward panel recommendations for DISL Rank Awards to the Secretary of Defense.

SC1003.5.3. The **Heads of DoD IC Components**, shall:

SC1003.5.3.1. Manage the DISL program according to provisions of this Subchapter.

SC1003.5.3.2. Approve details and rotational assignments, including any subsequent extensions, of DISL employees internal to their Component or concur in details and rotational assignments, including any subsequent extensions, to external DISL or equivalent positions, with the concurrence of the receiving DoD Intelligence or Non-Intelligence Component and consistent with references (d) and (f).

SC1003.5.3.3. Coordinate with the General Counsel, Department of Defense/Director, (DLSA) concerning DLSA members in accordance with reference (d).