

RFI Category and Number: Pregnancy in the Military, RFI #8

RFI Question:

Performance evaluations are the key documents in promotion packets. Language, report coding, and/or information about a lengthy absence from primary duties in promotion record files could result in intentional or unintentional bias toward servicewomen who are pregnant, have been exempted from weight standard testing, have taken their full convalescent leave (CONLV) and parental leave entitlement, and/or were afforded year-long operational deferments from deployments, Temporary Duty (TDY) by reason of giving birth. The Committee is interested in learning how the Services will address these challenges to ensure servicewomen compete on a level playing field with other candidates being considered for promotion, that they are not disadvantaged in their careers by their choice to have a family, and to ensure their promotion record files do not contain language, codes, or other irrelevant family, pregnancy and weight information.

The Committee requests a written response from the Army, Navy, Marine Corps, Air Force, Space Force, and Coast Guard addressing the following questions:

- a. How will the Services prevent and ensure there will be no negative impacts on servicewomen's career progression and promotions arising from just the fact of: (i) noncompliance with/exemption from weight standards due to a birth event, (ii) lengthy leave absences resulting from CONLV and parental leave, and (iii) lengthy operational deferment periods?
- b. Provide the specific guidance and copies/links to each applicable directive.
- c. How will promotion record files be managed to ensure inappropriate information related to birth events, weight, and associated duty absences is not included or visible to promotion board members? Alternatively, if such information can be discerned, how will that concern be mitigated so as not to adversely affect servicewomen?
- d. Describe any other pending changes to current regulations that have been developed, or are being considered to account for:
 - i. servicewomen's noncompliance with weight standards;
 - ii. lengthy CONLV and parental leave; and
 - iii. operational deferment absences during the one-year postpartum period.

RFI Response 8a:

These topics are not discussed in promotion boards but if there is a concern these items are disadvantaging females during boards, they could be added to "Impermissible Considerations". Weight standards are suspended for women who give birth, convalescent leave is not entered on a FITREP, and operational deferment is not discussed anywhere in a member's record.

Impermissible Considerations. Promotion boards are prohibited from considering the following:

- (1) The marital status, civilian employment, religion, or volunteer service of an officer;
- (2) Any information regarding an officer's spouse, including, but not limited to, civilian or military employment, education, race, religion, color, sex (including pregnancy), gender, gender identity, sexual orientation, national origin, and volunteer service;
- (3) An officer's previous decision to opt out of a promotion selection board; and
- (4) An officer's previous participation in the Career Intermission Program.

Per OPNAVINST 6110.1K, Physical Readiness Program (PRP): All members are required to participate in one physical fitness assessments (PFA) per cycle unless waived for medical reasons, pregnancy or postpartum, operational requirements or PFA incentives. Sailors are exempt from participating in the PFA, to include Body Composition Assessment (BCA) and Physical Readiness Test (PRT), from the time a pregnancy is confirmed by a Health Care Provider until the end of 12 months following a qualified birth event, defined by reference (c) Article 1050-415 and in line with PRP Guide 8. This allows postpartum Sailors time to fully recover in a healthy manner prior to being required to meet fitness and body composition standards

Per NAVADMIN 008/23: No member will be disadvantaged in their career, including limitations in their assignments (except where members voluntarily agree to accept an assignment limitation), performance appraisals, or selection for professional military education or training, solely because they take any of the non-chargeable leave.

RFI Response 8b:

NAVADMIN 008/23, EXPANSION OF THE MILITARY PARENTAL LEAVE PROGRAM,
<https://www.mynavyhr.navy.mil/Portals/55/Messages/NAVADMIN/NAV2023/NAV23008.txt?v=er=jHAMug-P7GWQs1pM85GoEg%3d%3d>

MILPERSMAN 1300-1306, ACTIVE DUTY PREGNANCY POLICY AND PLACEMENT PROCEDURES,
<https://www.mynavyhr.navy.mil/Portals/55/Reference/MILPERSMAN/1000/1300Assignment/1300-1306%20.pdf?ver=1W12WB9ALHoLgCOEGSZd-A%3d%3d>

OPNAV INSTRUCTION 6110.1K, PHYSICAL READINESS PROGRAM,
<https://www.secnav.navy.mil/doni/Directives/06000%20Medical%20and%20Dental%20Services/06-100%20General%20Physical%20Fitness/6110.1K.pdf>

Physical Readiness Guide 8, Managing Physical Fitness Assessment Records for Pregnant Sailors,
https://www.mynavyhr.navy.mil/Portals/55/Support/Culture%20Resilience/Physical/Guide_8-Managing_PFA_Records_for_Pregnant_Sailors_JAN_2023.pdf?ver=AKGWk6FCv2s7IMo4VOcUow%3d%3d

FY-23 USN O-6 Line PSB Convening Order – attached

BUPERINST 1610.10E,

<https://www.mynavyhr.navy.mil/Portals/55/Reference/Instructions/BUPERS/1610.10.pdf>

RFI Response 8c:

The convening order lays out the rules for execution of the board and specifically addresses EO and Diversity in paragraph 6b and 6d.

If these events are impermissible, they cannot be presented to the board members even if it somehow made it to someone's record.

RFI Response 8d:

There are no ongoing or upcoming changes that would address servicewomen's noncompliance with weight standards, lengthy convalescent and parental leave, or operational deferment absences during the one-year postpartum period.

No member will be disadvantaged in their career, including limitations in their assignments (except where members voluntarily agree to accept an assignment limitation), performance appraisals, or selection for professional military education or training, solely because they take any of the non-chargeable leave.

Hours Expended Answering this RFI: 4

POC or office responsible: NPC and N174