



DEPARTMENT OF THE NAVY

NAVAL TRAINING CENTER  
2601A PAUL JONES ST  
GREAT LAKES, ILLINOIS 60088-2845

NTCGLAKESINST 1620.2A

SJA

19 Apr 02

NTC GREAT LAKES INSTRUCTION 1620.2A

From: Commander, Naval Training Center, Great Lakes

Subj: NONPUNITIVE MEASURES (EXTRA MILITARY INSTRUCTION (EMI),  
WITHHOLDING OF PRIVILEGES AND NONPUNITIVE CENSURE)

Ref: (a) U.S. Navy Regulations, 1990  
(b) R.C.M. 306 (c) (2), M.C.M. 2000  
(c) OPNAVINST 3120.32C, para. 142.2  
(d) JAG MANUAL, Sec.0103, 1990

Encl: (1) Sample Extra Military Instruction (EMI) Assignment  
Letter (To Service Member)  
(2) Sample Extra Military Instruction (EMI) Assignment  
Letter (To Staff Judge Advocate)

1. Purpose. To provide guidance for the exercise of authority by officers, chief petty officers, leading petty officers and civilian supervisors in the use of nonpunitive measures to correct deficiencies in performance as an alternative to disciplinary action.

2. Cancellation. NTCGLAKESINST 1620.2. This instruction has been substantially revised and should be reviewed in its entirety.

3. Discussion. An order imposing punishment, except as nonjudicial punishment or by court-martial, is unlawful. Punishment is defined as any penalty imposed on an individual as a consequence for wrongdoing. Nonpunitive corrective measures, on the other hand, are those initiated with a view toward fostering improvements of performance in specific areas in which an individual has been determined to be deficient. These measures are not to be imposed as punishment for any military offense.

a. Authority. Article 1020 of reference (a) gives all persons in the naval service the right to exercise authority over all persons who are subordinate to them. Articles 1021 and 1037 grant officers, and petty officers necessary authority for the performance of their duties. An integral part of this is the authority to assign nonpunitive corrective measures, including extra military instruction (EMI). Reference (b) permits a Commander to take or initiate administrative action in

addition to or instead of other action under the Uniform Code of Military Justice (UCMJ). Such administrative actions include counseling, admonition, reprimand, exhortation, criticism, censure, rebuke, EMI, administrative withholding of privileges, adverse performance evaluations and recommendation for administrative reduction for inefficiency or dereliction, or any combination thereof. These actions may be administered directly by the Commander or by subordinates to whom such authority is delegated. Reference (c) sets forth Navy policy concerning the exercise of authority with respect to the administration of EMI, withholding of privileges, extension of working hours and leadership. Reference (d) provides further guidance concerning EMI, administrative withholding of privileges and nonpunitive censure. When properly used, nonpunitive measures can be a strong tool to help strengthen the chain of command, reinforce military attitudes and maintain high standards of military and professional performance. The administrative measures discussed herein may be administered either orally or in writing.

b. Extra Military Instruction (EMI). Reference (d) defines EMI as "instruction in a phase of military duty in which an individual is deficient, and is intended for and directed toward the correction of that deficiency." EMI is not intended as a substitute for court-martial action or nonjudicial punishment. Therefore, any corrective assignment of military duties must have a valid training or instructional purpose. It should be designed to cure deficiencies in performance, and there must be a reasonable relationship between the corrective measures ordered and the qualities in which the individual is deficient.

c. Administrative Withholding Privileges. A privilege is a benefit, advantage or favor provided for the convenience or enjoyment of an individual. Example of privileges that may be temporarily withheld as administrative corrective measures are special liberty; exchange of duty; special command programs; access to base recreational facilities and base driving and parking privileges. Deprivation of privileges may also encompass the withholding of special pays as well as commissary and exchange privileges. In all instances, unless properly delegated, final authority to withhold a privilege, however temporary, must ultimately rest on the level of authority authorized to grant the privilege. Deprivation of normal liberty as a punishment, except as specifically authorized under the UCMJ, is illegal. Therefore, except as the result of

punishment imposed under article 15, UCMJ, or as a result of the sentence of a court-martial, it is illegal for any officer or petty officer to deny any subordinate normal liberty as punishment for any offense. Nevertheless, it does not constitute punishment when persons in the naval service are required to remain onboard and be physically present outside of normal working hours for work assignments that should have been completed during normal working hours.

d. Nonpunitive Censure. Censure is a statement of adverse opinion or criticism of an individual's conduct or performance of duty. This measure is private in nature and may be done either orally or in writing and will be kept a personal matter between the member and the superior issuing the nonpunitive letter. It may not be commented upon or appended to fitness reports or evaluations, included in JAG Manual or other investigative reports, or otherwise included in the official records of the recipient. A sample nonpunitive letter of caution is contained in Appendix A-2-a of reference (d). Nonpunitive letters of caution will be issued only by the Deputy Commander NTC upon recommendation of the Department Head concerned.

4. Policy. Authority to assign EMI is hereby delegated to all officers, chief petty officers, leading petty officers in those departments not assigned an E-7 thru E-9 and civilian supervisors in the chain of command within the following guidelines.

a. Duration of EMI. EMI should not exceed two (2) hours per day and should not be assigned on the member's Sabbath. The total duration of EMI should be no longer than necessary to correct the individual deficiency.

b. Imposition of EMI. The officer, civilian supervisor, chief petty officer or leading petty officer observing the individual's deficiency shall attempt to determine the source and underlying cause(s) of the deficiency. The problem will be reported to the supervisor responsible with a recommendation as to what punitive or nonpunitive measure will most likely aid in bringing the individual's performance to an acceptable level. A report chit should be submitted to document any offense believed to have been committed (this report chit may be held in abeyance by the supervisor for a reasonable period, not to exceed thirty

(30) days, to allow the individual to demonstrate improvement.) Upon being apprised of an individual's deficiency, the responsible supervisor will determine a suitable course of action. It is essential that each case be individually scrutinized to ensure the course of action contemplated has the greatest potential to correct the deficiency. Enclosure (1) will be used to assign EMI. Imposition of EMI should take the form of a direct order from a superior. It is important in each case to ensure the order is given in clear and direct language and that it is understood by the individual. Thereafter, if EMI is not acceptably performed, a report chit may be initiated and, together with any previous report chits, forwarded up the chain of command for appropriate action.

c. Relation to Liberty. Although EMI may be assigned at a reasonable time outside normal working hours, it will not be used to deprive a member of normal liberty. If otherwise entitled, a member shall be granted normal liberty upon completion of EMI.

d. All officers, chief petty officers/leading petty officers and civilian supervisors may assign EMI. This authority may be withdrawn by any superior, if warranted.

e. Supervision of Assigned EMI. EMI must be properly supervised under all circumstances. Supervision shall be provided by an E-4 or above who is senior to the individual assigned EMI.

f. Limitation on Assignment of EMI. The following personnel are authorized to assigned EMI not to exceed the following limits:

- (1) Deputy Commander NTC, for no more than 24 hours.
- (2) NTC Special Assistants, for no more than 18 hours.
- (3) Department Heads, Division Officers and their civilian counterparts, for no more than 12 hours.
- (4) Leading Chief Petty Officers (E-7 to E-9), for no more than 8 hours.

(5) Leading Petty Officers in departments in which no E-7 to E-9 is assigned, for no more than 6 hours. However, those personnel able to assign EMI must be individually authorized in writing by Division Officer or Department Head.

(6) For those military personnel (E-7 and above) and their civilian counterparts not covered by the aforementioned, for no more than 8 hours.

5. Action.

a. All Officers, Chief Petty Officers, Leading Petty Officers and Civilian Supervisors shall become thoroughly familiar with the provisions of this instruction. NTC Special Assistants and Department Heads shall ensure inclusion of this instruction in departmental General Military Training presentations to afford the widest possible dissemination within the command.

b. All EMI shall be documented in the Division Officer's record, using enclosure (1).

c. The NTC Staff Judge Advocate's Office shall review all instances in which EMI has been imposed. Enclosure (2) pertains.



A. E. RONDEAU

Distribution:  
NTCGLAKESINST 5216.5  
List I

From: (PERSON ASSIGNING EMI)  
To: (NAME OF PERSON TO WHOM EMI IS BEING ASSIGNED)  
Subj: ASSIGNMENT OF EXTRA MILITARY INSTRUCTION (EMI)  
Ref: (a) NTCGLAKESINST 1620.2A

1. Per reference (a), Extra Military Instruction (EMI) is assigned for a period of \_\_\_\_\_ hours. Your EMI will begin on \_\_\_\_\_ and will end on \_\_\_\_\_. EMI will be conducted for 2 hours per day, except on your Sabbath.

2. The basis for imposition of EMI is: \_\_\_\_\_  
\_\_\_\_\_  
(example: late to muster six times this month.) The deficiency sought to be corrected is therefore: \_\_\_\_\_

\_\_\_\_\_  
(example: ensure timeliness to appointed place of duty)  
3. Nature of EMI awarded is \_\_\_\_\_  
\_\_\_\_\_  
(what type of administrative measure does member have to do; example: muster at particular time with particular person for certain number of days)

4. A copy of this letter will be forwarded to the Deputy Commander NTC and the NTC Staff Judge Advocate's Office for review.

\_\_\_\_\_  
(Signature and typed name of person awarding EMI)

Copy to:  
Deputy Commander  
Department Head  
NTC SJA

NTCGLAKESINST 1620.2A

ACKNOWLEDGEMENT

From: (NAME OF PERSON TO WHOM EMI IS BEING ASSIGNED)

To: (PERSON ASSIGNING EMI)

Subj: ASSIGNMENT OF EXTRA MILITARY INSTRUCTION

1. I knowledge receipt of the above.

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(Signature)

From: (PERSON ASSIGNING EMI)  
To: NTC Staff Judge Advocate

Via: (1) \_\_\_\_\_ (Initial)  
(Division Officer)  
(2) \_\_\_\_\_ (Initial)  
(Dept. Head)  
(3) \_\_\_\_\_ (Initial)  
(Deputy Commander)

Subj: ASSIGNMENT OF EXTRA MILITARY INSTRUCTION (EMI)

Ref: (a) NTCGLAKESINST 1620.2A

1. Per reference (a), \_\_\_\_\_ was awarded  
(Rate/Name)  
Extra Military Instruction (EMI) on \_\_\_\_\_.
2. The basis for imposition of EMI was \_\_\_\_\_  
\_\_\_\_\_  
(example: late to muster six times this month). The deficiency  
sought to be corrected is therefore \_\_\_\_\_  
\_\_\_\_\_  
(example: ensure timeliness to appointed place of duty).
3. Nature and amount of EMI awarded is \_\_\_\_\_  
\_\_\_\_\_  
(what type of administrative measure does member have to do and  
for how long; example: muster at particular time with particular  
person for certain number of days).
4. IAW reference (a), the Division Officer will make  
appropriate entries in the Division Officer's Record.

\_\_\_\_\_  
(Signature and typed name of  
person awarding EMI)

Copy to:  
Member