



DEPARTMENT OF THE NAVY
GENERAL COUNSEL OF THE NAVY
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OGC MANAGEMENT MEMORANDUM

Subj: NATIONAL SECURITY PERSONNEL SYSTEM NEW ATTORNEY
DEVELOPMENT PLAN

Encl: (1) OGC New Attorney Development Plan

Purpose. The purpose of this memorandum is to present the Office of the General Counsel's New Attorney Development Plan (NADP) under the National Security Personnel System's (NSPS) Accelerated Compensation for Developmental Positions (ACDP) Program. The NADP establishes a specific developmental framework by which OGC attorneys hired with fewer than two years of relevant legal experience can receive training, demonstrate competencies, and progress under the ACDP. The references, background, and intent of this plan are specifically addressed in the enclosure.

Action. All OGC offices are to follow this plan for attorneys hired under NSPS into ACDP positions in pay band YA-01. The OGC Deputies Group will monitor the effect of the plan and provide the Executive Steering Group with findings and recommendations on an annual basis.

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**OGC New Attorney Development Plan (NADP)
Under The National Security Personnel System's (NSPS)
Accelerated Compensation for Developmental Positions
(ACDP) Program**

**Version 1.0
July 2009**

**Approved By:
Department of the Navy Office of the General Counsel
Executive Steering Group
July 22, 2009**

References:

(a) Department of the Navy Pay Administration under National Security Personnel System Interim Guidance, 07 Nov 07

(b) DOD 1400-25M Sub Chapters: 1911, 1930, 1940, Appendix 5, Appendix 6

I. Background

In May 2006, Navy OGC attorney conversion from the General Schedule (GS) and Acquisition Demonstration Project (Demo) personnel systems to the National Security Personnel System (NSPS) began. The majority of OGC attorneys currently are covered by NSPS. A pay for performance system, NSPS includes several significant changes to the manner in which pay is established and adjusted. Under the GS system, a career ladder approach was used to progress entry level attorneys through to the journeyman level. Career ladder promotions do not exist under NSPS; accordingly, there is a need for a comprehensive policy to address the development of entry-level attorneys. The career progression of these inexperienced practitioners is properly addressed under NSPS by the Accelerated Compensation for Developmental Positions (ACDP) program. The purpose of this New Attorney Development Plan (NADP) is to provide guidance on the manner by which developmental attorneys will be trained, evaluated, and compensated under the ACDP program. The Office of the General Counsel recognizes that individual Assistant General Counsels (AGC) or Command Counsels will seek client input in evaluating attorney performance and making salary adjustments for attorneys, including those assigned to the NADP. This NADP is part of a comprehensive OGC compensation strategy and, like compensation models for YA-0905-02 and YA-0905-03 attorneys, was staffed through and approved by the Office of Civilian Human Resources.

II. Responsibilities

The Associate General Counsel (Management) (AGC (M)) has overall responsibility for the NADP. While AGC and Command Counsel have discretion to determine in which NADP "Path" a new attorney should be placed, unless otherwise stated below, only AGC(M) can waive individual elements of the NADP.

III. The OGC New Attorney Developmental Policy

The NADP establishes a developmental policy for attorneys who are appointed to OGC with no relevant or limited relevant legal experience. The policy sets forth specific developmental objectives required for progression through pay band YA-01, culminating with promotion to the YA-02 pay band. The policy includes designated salary adjustment amounts within the YA-01 pay band, and milestones for promotion to YA-02. The Office of the General Counsel views the YA-02 pay band as a transition band that prepares attorneys to successfully perform the duties of a target performance level YA-03 attorney.

1. Job Classification

All employees in the OGC NADP will be placed in the YA-01 pay band and classified as law clerks (0904 or 1221 as applicable), attorneys (0905), or patent attorneys (1222), depending on qualifications.

2. Pay Setting

All pay decisions will be fully documented and made a matter of record. The NSPS Pay Setting Determination Worksheet will be used for documentation purposes. The GS-11, Step 1 salary baseline was selected for use in the NADP because it provides a federal salary benchmark that will remain relevant into the future as it adjusts over time by Act of Congress.

2.1 Law Clerk Hires

Individuals hired into NSPS as law clerks will be assigned to the NADP with a base pay that is equivalent to that of a GS-11, Step 1 employee. NADP law clerks will receive a 5% reassignment increase in base salary when they are qualified as attorneys and assigned to an attorney (0905) or patent attorney (1222) position description. An employee's service as a law clerk is credited to the NADP as long as the individual is qualified as an attorney within their first 14 months of OGC employment. Qualification as an OGC attorney also establishes the clerk as a Path A attorney (see paragraph 2.2.1, below).

2.1.1 Law Clerk Salary Adjustments

NADP law clerks are expected to qualify as an attorney within their first 14 months of employment. Law clerks are not eligible to receive a reassignment increase or ACDP salary adjustment until they have been qualified as an OGC attorney. This policy does not affect a law clerk's eligibility to receive an NSPS performance rating and payout and does not affect OGC's discretion to take any other action.

2.2 New Attorney Hires

Individuals qualified and assigned as OGC attorneys under NSPS who have no relevant or limited relevant legal experience will have their base pay set as outlined in Table 2.2, below, and in accordance with the following description. AGC or Command Counsel may seek a waiver of this requirement from AGC (M) under exceptional circumstances.

2.2.1 Path A - Attorney/Patent Attorney with less than one year of relevant experience practicing law

Individuals who enter the NADP as graduates of an ABA accredited law school, as an active member in good standing of the bar (any U.S. jurisdiction), and who have been admitted to practice before a state or federal court, but have less than one year of relevant experience practicing law, will have their starting salary set at 5% above the equivalent of a GS-11, step 1 (5% greater than the starting salary of a law clerk identified in paragraph 2.1, above). Path A attorneys shall remain in the NADP for a minimum period of two years.

2.2.2 Path B - Attorney/Patent Attorney with a minimum of one year of relevant experience practicing law

Placement of a qualified new attorney into Path B of the NADP program is discretionary, and a Command Counsel/AGC may instead decide to place the new attorney into the YA-02 or YA-03 payband at a salary commensurate with their level of experience. Individuals who enter the NADP as graduates of an ABA accredited law school, as an active member in good standing of the bar (any U.S. jurisdiction), who have been admitted to practice before a state or federal court, and have more than one year of relevant experience practicing law, will have their starting salary set at an amount that is twenty-five (25%) above the equivalent of a GS-11, step 1 (25% greater than the starting salary of the law clerk identified in paragraph 2.1, above). Path B attorneys shall remain in the NADP for a minimum period of one year. Path B attorneys will not receive an ACDP salary adjustment; they will receive a promotion pay increase upon graduation from the program.

TABLE 2.2: NADP STARTING BASE SALARY TABLE

Pay Schedule	JD	Bar	Legal Experience	Base Pay	Program Length
YA-01 (0904/1221)	X			GS 11/1 equivalent	2 years
YA-01 (0905/1222)	X	X	Less than 1 Full Year	5% greater than GS 11/1	2 years
YA-01 (0905/1222)	X	X	One year or more	25% greater than GS 11/1	1 year

2.3. Program Length

The NADP is a minimum two year program (this includes time spent as a law clerk for those who are qualified as attorneys under paragraph 2.1, above) for Path A attorneys and a minimum one year program for Path B attorneys. The expected duration of an individual's NADP should be established at the time pay is set under paragraph 2.2, above. The program length will not be shorter than one year.

2.4. Federal Employees Entering OGC NADP

The NADP is intended to develop entry-level attorneys to a more advanced level of practice. It does not, therefore, consider or include pay retention for current Federal employees. If the decision is made to place a current Federal employee into this program, their starting pay and program length shall be set as if they were a new hire under one of the NADP paths described above.

3. Performance Management

Attorneys in the NADP will be evaluated under established performance plans and be eligible, under NSPS pay pool business rules and separate and apart from the NADP salary adjustments, for NSPS performance payouts. Performance payouts under NSPS come in the form of salary increases and/or bonus payments.

3.1 NSPS Performance Management

The NSPS performance management system is based on results-oriented, mission-focused, clear and understandable goals. Accordingly, NADP attorney performance plans will have an objective that includes elements, based on an Individual Development Plan (IDP), that will require the NADP attorney to complete training and demonstrate competency required for the ACDP I salary adjustment, if applicable, and graduation from NADP. The following is offered as a sample training objective:

- **Objective 1: IDP Competencies** - Develop and execute an Individual Development Plan (IDP) that includes the elements required for an NADP ACDP I salary adjustment/graduation from the NADP, achieving specified training requirements and demonstrating competencies, progression and satisfactory performance.

4. Accelerated Compensation for Developmental Position (ACDP) Salary Adjustment

The ACDP salary adjustment allows for the development and attainment of job-related competencies for attorneys participating in the developmental program. The two-year NADP includes a mid-program ACDP salary adjustment as explained below. However, because the Path B attorney program is only one year, Path B attorneys will not receive an ACDP salary adjustment; they will receive a promotion pay increase upon graduation from the NADP.

4.1 The ACDP Salary Adjustment (ACDP I) for Law Clerk & Path A attorneys

Law Clerks and Path A attorneys are eligible to receive the initial ACDP salary adjustment at the one year anniversary of the date they joined OGC. The decision to grant, deny, or delay the ACDP salary adjustment is entirely at the discretion of the AGC/Command Counsel. AGC/Command Counsel who decide to deny or delay an ACDP salary adjustment are expected to notify the affected attorney with a written document that specifically identifies performance deficiencies and provides guidance for corrective/remedial action. Law clerks in the NADP who are not yet qualified as OGC attorneys are not eligible for any ACDP salary increase.

4.2 Relationship between ACDP Salary Adjustments and NSPS Performance Payouts

The salary adjustment is distinct from the annual NSPS performance evaluation and payout process. The ACDP salary adjustment is awarded to recognize that the attorney has acquired a set of predefined job-related competencies in a timely manner through prescribed training and on-the-job experience which demonstrate successful performance. The attorney and his/her rating official will, at the outset of the program, design an IDP that describes the specific training and experience to be acquired. The rating official must document in writing that the attorney has completed the training and job assignments required in his/her IDP for the first year of service. The rating official may recommend an ACDP salary adjustment if, through no fault of the attorney, the IDP was not completed.

4.3 ACDP Attorney self-assessment

Each attorney will submit a self-assessment and request an ACDP review 45 days prior to the anniversary date established under paragraph 4.1. The self-assessment will be presented to the rating official and considered when determining whether the individual is performing in a manner that allows for an ACDP salary adjustment. The self-assessment will address the performance plan and specifically progress against the attorney's IDP.

4.4 ACDP Performance Review

Rating officials will conduct an ACDP performance review 30 days prior to the applicable ACDP anniversary date for Law Clerks and Path A attorneys. The rating official will document the review and provide a written recommendation to the AGC/Command Counsel. Rating officials must evaluate the attorney's self-assessment and follow the NSPS rating process to determine whether the attorney is performing at an NSPS Level 3. The decision whether to grant, delay, or deny the ACDP salary adjustment is entirely at the discretion of management.

4.4.1 Recommendations for the ACDP salary adjustment

A rating official recommendation to grant the ACDP salary adjustment must clearly state that attorney has made satisfactory progress toward the IDP and is performing at or above NSPS Level 3.

4.4.2 Recommendations to delay or deny the ACDP adjustment

A rating official recommendation to delay or deny the ACDP salary adjustment must identify, with specificity, the area(s) in which the attorney's performance fails to satisfy the NSPS Level 3 performance indicators and/or the IDP delinquency (ies).

4.5 ACDP I Minimum Criteria

Law Clerks and Path A attorneys must, at a minimum, complete the following training and other requirements to be eligible for the ACDP I salary adjustment:

- Admitted to practice before a state or federal court;

- 1 full year experience in the NADP program with at least one substantive legal written work product of acceptable quality;
- Complete training and demonstrate competency in an OGC Community of Practice (COP) area;
- Orientation to OGC; and
- Orientation to their Assistant General Counsel/Command Counsel Office

5. Graduation from the NADP

Attorneys who successfully complete their IDP, to include the elements listed in paragraph 5.4, and demonstrate professional competency while performing at or above the NSPS Level 3 are eligible to graduate from the NADP and be promoted from YA-01 to YA-02.

5.1 NADP Promotion Pay Increase (ACDP II)

Attorneys should receive a base pay increase of 16% upon their graduation from the NADP/promotion from YA-01 to YA-02 (see Table 5 for pay adjustment events and pay increase percentages).

5.2 ACDP Attorney self-assessment

Each attorney will submit a self-assessment and request an ACDP review 45 days prior to the NADP graduation date established under paragraph 5.1. The self-assessment will be presented to the rating official and considered when determining whether the individual is performing in a manner that allows for NADP graduation. The self-assessment will address the performance plan and specifically progress against the attorney's IDP.

5.3 ACDP Performance Review

Rating officials will conduct an ACDP performance review within 30 days of the applicable NADP graduation date. Rating officials must evaluate the attorney's self-assessment and follow the NSPS rating process to determine whether the attorney is performing at an NSPS Level 3. The rating official will document the review and provide a written recommendation to the AGC/Command Counsel. The decision whether to grant, delay, or deny graduation from the NADP is entirely at the discretion of management.

5.3.1 Recommendations for the ACDP salary adjustment

A rating official recommendation to graduate the attorney from the NADP program must clearly state that attorney has made satisfactory progress toward the IDP and is performing at or above NSPS Level 3.

5.3.2 Recommendations to delay or deny the ACDP adjustment

A rating official recommendation to delay or deny graduation from the NADP program must identify, with specificity, the area(s) in which the

attorney's performance fails to satisfy the NSPS Level 3 performance indicators and/or the IDP delinquency (ies).

5.4 NADP Graduation Criteria

Attorneys must demonstrate professional competency and complete the following training requirements in order to be eligible to graduate from the NADP and be promoted to the YA-02 pay band:

- For Path A Attorneys, complete the remainder of the NADP expected program length established under paragraph 2.3, above;
- For Path B Attorneys, complete 1 full year experience in the NADP program; complete training in an OGC Community of Practice (COP) area; complete orientation to OGC; and complete orientation to their Assistant General Counsel/Command Counsel Office
- For both Path A and B Attorneys, provide at least two substantive written legal work products of sufficient quality;
- For both Path A and B Attorneys, complete training in one specialty area (which may be an additional OGC Community of Practice Area); and
- For both Path A and B Attorneys, complete training in Ethics Law.

5.3 ACDP Increases

Attorneys will be eligible for ACDP increases in accordance with Table 5 below.

Table 5: Pay Adjustment Events and Amounts

Entrance Criteria	Base Pay	Conversion	ACDP I	ACDP II	Months
Law Clerk	GS 11/1	5%	17%	16%	24
Path A Attorney	+ 5%	n/a	17%	16%	24
Path B Attorney	+ 25%	n/a	n/a	16%	12

Note: Each of these adjustments is made to base pay and is distinct from the NSPS performance evaluation and payout process.

5.4 Graduation Close-out

NSPS performance plans must be closed out upon NADP graduation and promotion to YA-2 in accordance with NSPS regulations and local business rules. AGC/Command Counsel should notify AGC (M) of attorney graduation within thirty days of the graduation date so AGC (M) can properly document this significant achievement.