



OFFICE OF THE NATIONAL COMMANDER
CIVIL AIR PATROL
UNITED STATES AIR FORCE AUXILIARY
MAXWELL AIR FORCE BASE, ALABAMA 36112-5937

ICL 24-03

22 August 2024

MEMORANDUM FOR ALL CAP UNIT COMMANDERS

FROM: CAP/CC

SUBJECT: Interim Change Letter – CAPR 35-1, *Assignment and Duty Status*

1. This Interim Change Letter implements a process improvement initiative to mitigate risk to CAP and our members, prompting a change to CAPR 35-1. This change is effective immediately and will remain in effect until the regulation is revised. Compliance with this letter is mandatory.

2. Paragraph 2-2a(3) is replaced with the following:

(3) **Suspected Cadet Abuse or Unfavorable Information.** Commanders will immediately suspend any member for alleged or suspected cadet abuse, when credible unfavorable information is received which, if substantiated, would make the member subject to termination, or while an internal investigation of such allegations is pending. The suspension is effective for up to 60 days. Additional 60-day suspensions for internal investigations will be approved (if necessary) by the next higher authority with justification why the extension is required. Suspensions pending an internal investigation may not exceed 180 days without approval of the CAP National Commander.

3. Paragraph 2-2a(4) is added to read:

(4). **Law Enforcement and Related Incidents.** Commanders will immediately suspend any member who is arrested, charged, and/or convicted of a crime, regardless of the crime being a misdemeanor or a felony. Minor traffic violations do not require suspension unless drugs or alcohol are involved. Members will remain in suspended status if they are awaiting adjudication, serving supervised or unsupervised probation, or fulfilling any other court-ordered penalty or sanction including, but not limited to, imprisonment, fines, community service, counseling, etc. Suspensions will be continued automatically as long as criminal charges are pending, criminal investigations are ongoing, and/or court ordered penalties or sanctions are in effect. Suspensions may be extended beyond the criminal investigation time if further internal investigation is warranted. Upon adjudication of the charges, arrests, or convictions, the member is responsible for notifying CAP/DP and will undergo additional criminal background rescreening to determine eligibility. Members may be required to late-renew or rejoin if continued membership is desired. Membership reinstatement is not a right and is subject to the Confidential Screening process outlined in CAPR 39-2.

4. Paragraph 2-2b(1) is replaced with the following:

(1) Section II, *Duty Assignment/Status Change*, will be completed to show the member transferred from "Active Status" to "Suspended Status." Include reasons for the suspension in the Remarks Section (Section VI) to include details about the specific circumstances that resulted in the decision to suspend the member. If the member is suspended for alleged felony-level offenses or for any incidents of alleged physical violence or sexual abuse, notification must be made immediately to CAP General Counsel by emailing gc@capnhq.gov. The term of suspension, i.e., 30 days, 60 days, will also be included.

5. Paragraph 2-2c is replaced with the following:

c. **Final Disposition of Suspension.** Most suspensions are automatically lifted at the end of the specified suspension period unless extended or removed earlier by the commander concerned. However, per the cooperative agreement with the Air Force, CAP has additional monitoring and reporting requirements for members suspended for allegations of felony-level offenses or allegations of physical or sexual abuse. Members suspended for these reasons, upon reaching the end of their suspension period or if their respective wing and region commanders request an early return to active status, will enter into a 7-calendar day waiting period. This pause will allow CAP leadership to review facts, collaborate, and manage risk(s) to ensure returning the member to active status is an appropriate step. The decision to return a member to active status following suspension under these conditions will rest with the CAP National Commander made after coordination through the CAP General Counsel and CAP Chief Operating Officer.

6. Direct comments or questions regarding this interim change letter to CAP Director of Personnel and Member Actions, Ms. Marie Vogt at mvogt@capnhq.gov.



REGENA M. AYE
Major General, CAP
National Commander



NATIONAL HEADQUARTERS CIVIL AIR PATROL

CAP REGULATION 35-1

4 JUNE 2015

Personnel Procedures

ASSIGNMENT AND DUTY STATUS

This regulation prescribes policy and procedures for the assignment of senior members as well as which member types are eligible for duty assignment. It also prescribes policy and procedures for suspended status which applies to both cadets and senior members.

SUMMARY OF CHANGES.

This revision includes the requirement to complete the Cadet Protection Advanced Course prior to appointment to certain duty positions as well as for those currently serving in these same positions effective 1 July 2015, authorizes delivery of suspension notification by email and, clarifies that cadet duty positions are tracked separately from senior member duty positions. **Note: Shaded areas identify new or revised material.**

Part 1 - DUTY ASSIGNMENTS

1-1. Assignment of Duty. A unit commander is authorized to assign personnel to specific duties and positions within his/her unit; remove personnel from specific duties and positions within his/her unit; and reassign personnel from one duty position to another within his/her unit.

1-2. Eligibility for Assignment.

a. To be eligible for assignment to a CAP duty position, senior members must have completed all portions of the Level I training. Members who are former cadets and completed the Billy Mitchell Award are exempt from the foundations portion of Level I, but must still complete all other portions of the training. **Note:** This exemption does not apply if the member has had a break in service of two years or longer. Cadets may not hold senior member duty positions. Cadet duty positions as outlined in CAPR 52-16 are recorded in the Cadet Duty Assignment module.

b. When assigned to an authorized duty position, the member will also be enrolled in the appropriate specialty track of the CAP Professional Development Program unless he/she has already earned the master's rating in that specialty. When a member is assigned to more than one duty position, he/she will enroll in the specialty track for the primary duty. Training in remaining specialties is encouraged. **Note:** For promotion purposes, the highest skill rating earned, in any specialty, will be considered, regardless of the member's skill level in his or her primary duty.

c. Effective 1 July 2015, individuals appointed to the following positions must complete the Cadet Protection Advanced Course prior to assignment: commander, deputy commander, vice commander (group or higher), chief of staff (wing or higher), director of cadet programs (group or higher), and inspector general. Individuals serving in these positions prior to 1 July 2015 must also complete the Cadet Protection Advanced Course by this date or they will be put on a restricted access to eServices until the course is completed.

1-3. Assignment Actions. Duty positions are normally assigned by using the on-line duty assignment application available in eServices. Only the basic duty positions outlined in CAPR 20-1, *Organization of Civil Air Patrol*, are reflected in the on-line application. Duty assignments may be initiated by the personnel officer or any member designated by the unit commander and provided permission by the Web Security Administrator. The individual's record will be automatically updated to reflect the new position. An automatic e-mail will be forwarded to both the individual assuming the new duty position and the individual leaving the position reminding them of the responsibility to properly account for the records, property and assets of this position. A copy of the online duty assignment screen may be printed to place in the member's personnel file.

- a. Commanders not wishing to use the on-line application submit a CAPF 2a, *Request for and Approval of Personnel Actions*, Section II, *Duty Assignment Change*. The personnel officer initiates the personnel action which is approved by the unit commander and forwards the form to NHQ/DP. Both the individual assuming the new duty position and the individual leaving the position must sign the CAPF 2a signifying that the records, property and assets for this position are properly accounted for. A copy will be filed in the individual member's personnel file and a copy retained by the personnel officer.
- b. As an option to the preparation of separate CAPFs 2a for each duty position assigned, duty assignment changes may be reflected in published personnel authorizations in accordance with CAPR 10-3, *Administrative Authorizations*. A copy of the personnel authorization will be filed in each individual's personnel file. Commanders choosing to use this option must ensure that the individuals concerned are aware of their responsibility to properly account for the records, property and assets of the position.
- c. Commanders who have implemented additional duty positions or titles not reflected in the on-line application must prepare CAPFs 2a or published personnel authorizations to assign members to these positions; however, this information is not forwarded to National Headquarters and the assignments will not appear in the on-line record. Assignments to committees, boards, etc., or special one-time duty assignments do not require a CAPF 2a, but will be reflected in published personnel authorizations. A copy of the CAPF 2a or personnel authorization will be filed in each individual's personnel file.

Part 2 - DUTY STATUS

2-1. Active Status. Any member who maintains current membership as a cadet, senior, 50-year or life member, unless otherwise provided for in this section, is considered in active status and is entitled to attend meetings, participate in CAP activities, wear the CAP uniform and exercise other privileges of membership. Other membership categories such as Patron, Cadet Sponsor, Aerospace Education Members, etc., are not eligible to hold duty assignments or considered in active status.

2-2. Suspended Member Status. Commanders may place any member in suspended status under the conditions outlined below. Members in suspended status are prohibited from attending meetings, participating in CAP activities, wearing the CAP uniform or otherwise exercising the privileges of membership. A suspended member must also turn in his/her membership card to the unit commander for the duration of the suspension. Suspended status is not intended as a routine personnel action and commanders will use discretion in placing members in this status.

- a. Conditions for Suspension.

- (1) Proposed Membership Termination. A member is automatically considered in suspended status upon notification of membership termination proceedings under CAPR 35-3, *Membership Termination*. The suspension is effective until the termination process is complete including appeal periods.

(2) Regulatory Infractions or Misconduct. A unit or higher commander may suspend a member for up to 60 days for misconduct or regulatory infractions. Suspensions in excess of 60 days require approval of the wing commander (or commander at the next higher echelon if the suspension is initiated at wing or region level). Suspensions under the provisions of this paragraph will not exceed a total of 180 days.

(3) **Suspected Cadet Abuse or Unfavorable Information.** Commanders will immediately suspend any member for alleged or suspected cadet abuse, when credible unfavorable information is received which, if substantiated, would make the member subject to termination, or while an internal investigation of such allegations is pending. The suspension is effective for up to 60 days. Additional 60-day suspensions for internal investigations will be approved (if necessary) by the next higher authority with justification why the extension is required. Suspensions pending an internal investigation may not exceed 180 days without approval of the CAP National Commander.

(4) **Law Enforcement and Related Incidents.** Commanders will immediately suspend any member who is arrested, charged, and/or convicted of a crime, regardless of the crime being a misdemeanor or a felony. Minor traffic violations do not require suspension unless drugs or alcohol are involved. Members will remain in suspended status if they are awaiting adjudication, serving supervised or unsupervised probation, or fulfilling any other court-ordered penalty or sanction including, but not limited to, imprisonment, fines, community service, counseling, etc. Suspensions will be continued automatically as long as criminal charges are pending, criminal investigations are ongoing, and/or court ordered penalties or sanctions are in effect. Suspensions may be extended beyond the criminal investigation time if further internal investigation is warranted. Upon adjudication of the charges, arrests, or convictions, the member is responsible for notifying CAP/DP and will undergo additional criminal background rescreening to determine eligibility. Members may be required to late-renew or rejoin if continued membership is desired. Membership reinstatement is not a right and is subject to the Confidential Screening process outlined in CAPR 39-2.

b. **Notification Procedures.** Members being suspended pending termination are notified by letter of their suspended status under the provisions of CAPR 35-3. Other members will be notified via CAPF 2a as follows:

(1) Section II, *Duty Assignment/Status Change*, will be completed to show the member transferred from "Active Status" to "Suspended Status." Include reasons for the suspension in the Remarks Section (Section VI) to include details about the specific circumstances that resulted in the decision to suspend the member. If the member is suspended for alleged felony-level offenses or for any incidents of alleged physical violence or sexual abuse, notification must be made immediately to CAP General Counsel by emailing gc@capnhq.gov. The term of suspension, i.e., 30 days, 60 days, will also be included.

(2) The CAPF 2a, signed by the commander, will be delivered to the member personally, by return receipt email or certified mail to ensure receipt.

(3) A copy of the CAPF 2a will be retained in the unit file and a copy will be forwarded to NHQ/DP for processing. Members in suspended status will be removed from the active membership rolls and will not be authorized access to eServices.

c. **Final Disposition of Suspension** Most suspensions are automatically lifted at the end of the specified suspension period unless extended or removed earlier by the commander concerned. However, per the cooperative agreement with the Air Force, CAP has additional monitoring and reporting requirements for members suspended for allegations of felony-level offenses or allegations of physical or sexual abuse. Members suspended for these reasons, upon reaching the end of their suspension period or if their respective wing and region commanders request an early return to active status, will enter into a 7-calendar day waiting period. This pause will allow CAP leadership to review facts, collaborate, and manage risk(s) to ensure returning the member to active status is an appropriate step. The decision to return a member to active status following suspension under these conditions will rest with the CAP National Commander made after coordination through the CAP General Counsel and CAP Chief Operating Officer.

2-3. Retired Status. A member in good standing with a minimum of 20 years service as a member, not necessarily continuous and not including cadet time, is eligible to retire from Civil Air Patrol. **Note:** Members having 10 years service as of 1 December 1994 may retire with 12 years service. Applications for retirement will not be considered if demotion or membership termination action is pending. See CAPR 39-2, *Civil Air Patrol Membership*, for complete information on retired status. Commanders may request retirement for a member by using the on-line application in eServices or by submitting a CAPF 2a to NHQ/DP. Once retired, members will not actively participate in any capacity.

JOSEPH R. VAZQUEZ
Major General, CAP
Commander