



Department of Energy
National Nuclear Security Administration
Washington, DC 20585

OCT 06 2005

OFFICE OF THE ADMINISTRATOR

MEMORANDUM FOR: ASSOCIATE ADMINISTRATOR FOR
MANAGEMENT AND ADMINISTRATION

FROM: ADMINISTRATOR FOR NUCLEAR SECURITY *L.A.B.*

SUBJECT: DELEGATION OF HUMAN RESOURCES AUTHORITY

Under the authority vested in me as the Administrator for Nuclear Security by the *National Nuclear Security Administration Act* (P. L. 106-65) and by Secretarial delegation (Delegation Order 00-003.00), I delegate to the Associate Administrator for Management and Administration authority to exercise the full complement of Federal human resources (HR) authorities not reserved by statute and delegation to my exclusive authority (e.g., personnel actions which require Executive Resources Board (ERB) approval). I delegate in particular the authority to take and direct a full range of actions relating to the selection, appointment, employment, advancement, compensation, performance, and separation of Administration personnel, including, but not limited to:

1. The authority to classify and certify positions (pursuant to section 5107 of title 5, United States Code (U.S.C.), and sec. 3241 of P. L. 106-65) throughout the National Nuclear Security Administration (NNSA), including competitive service General Schedule (GS) positions and excepted service positions (with the exception of those EJ and EK positions subject to the Secretary's ERB and those EN positions subject to my ERB), and the authority to approve and certify final agency classification appeals decisions filed by employees across the NNSA enterprise;
2. The power to make and approve appointments, promotions, and details to positions across NNSA under a myriad of Federal statutory authorities (5 U.S.C. 3101, 3301, sec. 3241 of P. L. 106-65, et al.), including appointments of experts and consultants, but not including Senior Executive Service (SES) appointments, appointments to EJ, EK, and EN excepted service positions subject to the Secretary's and Administrator's ERBs, and appointments to Senior Level (SL) and Scientific and Professional (ST) positions; also delegated is the authority to administer oaths of office (5 U.S.C. 2903) and execute appointment affidavits and (5 U.S.C. 3333);
3. The responsibility (conferred by 5 U.S.C. 2302) for preventing prohibited personnel practices when taking, or when directing others to take, recommend or approve, any personnel action;



4. The authority (under pertinent parts of title 5, Code of Federal Regulations) to fix NNSA tours of duty, to determine hours of duty, to establish the administrative work week; to determine when employees shall receive premium pay on an annual basis, to approve appointments above the minimum pay rate, and to approve other matters relating to pay administration;
5. The authority under 5 U.S.C. 5547(b) to waive the biweekly limitation on General Schedule premium pay for emergency situations and work that is critical to the mission of the agency.
6. The authority to approve competitive area designations and changes in competitive areas across NNSA, to notify the Office of Personnel Management (OPM) of changes in competitive areas that will be in effect less than 90 days prior to the effective date of a reduction in force (RIF), and to approve the RIF notifications and plans of NNSA components;
7. The authority to approve performance management plans for NNSA components prior to implementation; the authority to approve NNSA's incentive awards plan, and to authorize monetary incentive awards for individual employees up to \$7,500 and on-the-spot awards up to \$500;
8. The authority to approve NNSA's plans for the approval and payment of recruitment bonuses, relocation bonuses, and retention allowances, and for approving NNSA's plan for approving student loan repayments; the authority to authorize recruitment and relocation bonuses, retention allowances, and student loan repayments, for individual employees, but not including positions subject to the Secretary's and Administrator's ERBs;
8. The authority (5 U.S.C. 3352) to give preference to an employee who the Merit Systems Protection Board (MSPB) has determined has had a prohibited personnel action taken against said employee; this authority may not be redelegated;
9. The authority (sec. 3212(d) of P. L. 106-65) to develop and prescribe NNSA-wide HR regulations, policies, programs, and guidelines governing the efficient and proper administration of competitive and excepted service personnel programs, including but not limited to: GS position classification, classification appeals, and EN pay-banding; delegated competitive examination, merit recruitment, and appointments above the minimum pay rate; recruitment and relocation bonuses, and retention allowances; suitability determinations and adjudication, GS performance management and EN pay-for-performance; incentive awards; employee discipline, administrative grievances, and dispute resolution processes; third-party litigation of agency actions (e.g., MSPB appeals and Equal Employment Opportunity Commission (EEOC) complaints); employee benefits (e.g., health, life, Thrift, and retirement); employee assistance, and health and dependent care services; and others;

10. The responsibility for overseeing the administration of HR programs across the enterprise through a planned program of systemic evaluation designed in complement with the effectiveness goals and merit principles underlying OPM's Human Resources Management Accountability Program and the President's human capital management objectives;
11. The responsibility for overseeing the conduct of an integrated program of workforce analysis and managed staffing across the enterprise consistent with the President's management agenda, OMB's workforce restructuring guidelines, and NNSA's ongoing organizational transformation campaign, attendant to analyzing staffing needs and developing staffing plans; assigning staffing targets; initiating, approving, and overseeing organizational changes and transfers of function; developing workforce succession strategies; and devising workforce restructuring plans;
12. The responsibility to oversee the preparation and execution of personnel actions for positions above GS-15 (e.g., SES, SL, and ST) and excepted service EJ, EK, and EN positions in pay band IV with a salary at or above the ES-1 rate of basic pay for the SES, or in pay band V, which the Administrator's and Secretary's ERB's have approved; the authority to initiate and finalize executive personnel actions which do not require ERB approval.
13. The authority (5 U.S.C. 3372) to arrange *Intergovernmental Personnel Act* assignments and to enter into agreements involving employees in positions at GS-15 and below, or in excepted service positions pay band IV (with a salary below the ES-1 rate of basic pay for the SES) and below; not covered by this authority are agreements with respect to established SES positions and EJ, EK, and EN excepted service positions, and SL and ST positions, subject to the Secretary's and Administrator's ERBs;
14. The authority to represent NNSA and negotiate conditions of employment in collective bargaining with an exclusive labor representative of an appropriate unit, and the responsibility for litigating labor disputes before the Federal Labor Relations Authority (FLRA);
15. The authority to render a final decision on the appropriateness of a rejection or cancellation of a grievance by the deciding official, and the authority to direct that a decision be rendered on the merits of the grievance.

Unless stipulated otherwise, the HR authorities herein enumerated and delegated, and those implied, may be further delegated in whole or in part at your discretion to ensure that 1) NNSA-wide HR policies and workforce management plans are developed in a manner contributory to corporate management effectiveness, and that 2) management practices and personnel operations are carried out efficiently and fairly.

The exercise of these HR authorities and program responsibilities are governed by various statutes, notably the *NNSA Act* and 5 U.S.C., by Presidential executive orders, by the regulations of OPM, MSPB, FLRA, and EEOC, by OMB's guidelines, and by DOE's and NNSA's HR policies. Nothing in this delegation shall preclude the Administrator from rescinding, modifying, superseding, and otherwise exercising these authorities whenever it is judged necessary for proper personnel administration and management effectiveness.

cc: Principal Deputy Administrator