



Department of Energy
Washington, DC 20585

June 28, 1996

MEMORANDUM FOR ALL DEPARTMENTAL ELEMENTS

FROM: ARCHER L. DURHAM
ASSISTANT SECRETARY FOR
HUMAN RESOURCES AND ADMINISTRATION

SUBJECT: DOE N 110.1, HUMAN RESOURCE MANAGEMENT DELEGATION
AUTHORITIES

The attached Notice, developed by the Office of Personnel Policy, Programs and Assistance, is being issued for simultaneous implementation and coordination.

The purpose of this Notice is to clarify and update existing Human Resource Management functional area delegation authorities. These functional areas are: Administrative Grievances, Disciplinary and Adverse Actions, Employee Drug Testing, Employee Health Services, Employment, Labor Management Relations, Leave, Pay and Hours of Duty, Performance Management, Position Classification, and General Support Activities.

These delegations were previously identified in draft DOE 3200, MATRIX OF HUMAN RESOURCE MANAGEMENT AUTHORITIES, which was coordinated throughout the Department for comment. Numerous external regulatory changes and the resolution of Major Issues identified during the draft Order's comment process delayed the issuance of the Order. This Notice reflects the resolution of previously submitted Major Issues and recent regulatory changes.

The Office of Personnel Policy, Programs and Assistance is currently revising Human Resource Orders containing the functions identified above. These revisions, as completed, will be distributed through the Department's Directives System for comment and are expected to be completed within one year. In the interim, this Notice shall be used.

Comments and issues regarding this Notice which require immediate action should be addressed to Mr. Frank DiCostanzo, HR-32, (202) 586-8695, facsimile (202) 586-8528 or INTERNET frank.dicostanzo@hq.doe.gov. Other comments will be reviewed and, as applicable, incorporated into the revised Orders prior to their coordination through the Department's Directives System.

Attachment

U.S. Department of Energy
Washington, D.C.

NOTICE

DOE N 110.1

6-28-96

Expires: 6-28-97

SUBJECT: HUMAN RESOURCE MANAGEMENT DELEGATION
AUTHORITIES

The purpose of this Notice is to clarify and update existing Human Resource Management Delegation Authorities and the levels to which they are delegated.

This Notice revises requirements and responsibilities in the functional areas of Administrative Grievances, Disciplinary and Adverse Actions, Employee Drug Testing, Employee Health Services, Employment, Labor Management Relations, Leave, Pay and Hours of Duty, Performance Management, Position Classification, and General Support Activities.

1. **OBJECTIVE.** To identify those Human Resource Management program authorities concerning positions at GS-15 and below that are not delegated to servicing personnel offices.
2. **CANCELLATION.** No existing DOE Orders are canceled. However, delegations of authority in existing Orders are canceled and replaced as explained in paragraphs 4 and 5 below.
3. **APPLICABILITY.** This Order applies to all DOE Elements, but the delegations of authority herein do not apply with respect to the Senior Executive Service, Senior Level, Scientific and Professional, Schedule C, and Excepted Service (Pay Band V) positions.
4. **REQUIREMENTS.**
 - a. Except for authorities identified in paragraph 5 below, all authorities for DOE Human Resource programs are delegated to servicing personnel offices.
 - b. In exercising delegated authorities, all individuals shall ensure that their actions are consistent with law and regulation, merit principles, DOE policies and directives, provisions of applicable collective bargaining agreements, and principles of fairness and equity in dealing with employees and their representatives.
5. **RESPONSIBILITIES.** Assignments of responsibility are grouped by function as follows:

DISTRIBUTION:
All Departmental Elements

INITIATED BY:
Office of Personnel Policy,
Programs and Assistance

a. Administrative Grievances. Heads of Departmental Elements.

- (1) Designate the deciding official for employee grievances.
- (2) Appoint factfinders.

b. Disciplinary and Adverse Actions.(1) Deputy Assistant Secretary for Human Resources.

- (a) If appropriate, requests approval of the Office of Personnel Management (OPM) to extend the notice period for a reduction in grade or removal based upon unacceptable performance beyond the additional 30 days granted by Departmental Element Heads.
- (b) Develops the work force discipline program of the Department and provides staff assistance and advice on discipline and adverse action matters.
- (c) Implements actions directed by the Office of Personnel Management and other outside agencies.
- (d) In conjunction with the Office of General Counsel, determines whether or not to request the OPM to seek judicial review of the Merit Systems Protection Board decisions.

(2) Heads of Departmental Elements.

- (a) Issue notices of decision on adverse actions proposed by subordinate officials against employees under their jurisdiction; approve employee requests for extension of time to answer notices of proposed actions.
- (b) Determine whether or not to appeal an initial decision by a Merit Systems Protection Board Administrative Judge.
- (c) In cases of reduction in grade and in cases of removal based on unacceptable performance, approve or disapprove requests to extend the proposed action notice period, not in excess of 30 additional days.

c. Employee Drug Testing.

- (1) The Office of the Secretary approves categories of positions subject to drug testing.

- (2) Deputy Assistant Secretary for Human Resources designates the drug testing program manager.
- d. Employee Health Services. Deputy Assistant Secretary for Human Resources.
- (1) Oversees the evaluation of health services.
 - (2) Provides or contracts for occupational medicine and counseling for Headquarters Elements.
 - (3) Administers, for Headquarters Elements, a workers compensation program.
- e. Employment.
- (1) Office of the Secretary.
 - (a) Approves requests for waivers of preemployment investigations.
 - (b) Authorizes requests from Heads of Departmental Elements for waiver of dual compensation restrictions to Office of Personnel Management.
 - (c) Authorizes requests for national interest determinations from the Secretary of State from Heads of Departmental Elements for details and transfers to Public International Organizations if assignments last over 5 years.
 - (d) Approves requests from Heads of Departmental Elements for assignments outside the Department involving details to the White House, Executive Office of the President, and Congressional Committees of the House of Representatives and Senate.
 - (2) Assistant Secretary for Human Resources and Administration approves requests from Heads of Departmental Elements for assignments outside the Department at GS-15 and below, except for training and/or career development (e.g., Departmental or interagency training programs such as Office of Personnel Management's Women's Executive Leadership and Executive Potential Programs).
 - (3) Deputy Assistant Secretary for Human Resources approves requests from Heads of Departmental Elements and Servicing Personnel Offices for the following:
 - (a) Making adjustments to position designations.

- (b) Utilizing alternative procedures from those described in the suitability directive.
 - (c) Language and stipulations of all Intergovernmental Personnel Act assignments.
 - (d) Implementation of or substantive changes to field merit promotion plans or the use of written tests.
 - (e) Final determinations on managerial and supervisory position descriptions for probationary periods when initial designations are contested.
 - (f) Waiver of time-in-grade restriction involving hardship to the Department or inequity to the employee.
 - (g) Personnel actions relating to experts and consultants.
 - (h) Advance-In-Hire (Pay above the minimum rate) exceeding pay by more than 20 percent.
 - (i) Student Volunteer Service Agreements between DOE and participating educational institutions.
 - (j) Departmental Qualifications Standards (concurrence from the Office of Environment, Safety and Health will be required when standards contain physical requirements. Office of Environment, Safety and Health will establish medical and psychological requirements for standards).
 - (k) Reduction in force plans.
- (4) Deputy Assistant Secretary for Human Resources concurs on the following requests from Heads of Departmental Elements and Servicing Personnel Offices requiring Office of Personnel Management approval:
- (a) Variation to Civil Service Rule V.
 - (b) Extensions of time-limited promotions beyond 5 years.
 - (c) Extensions of temporary appointments beyond 2 years based on major reorganization, restructuring, or other unusual circumstances.
 - (d) Establishment/changes to competitive areas for reductions in force.

(e) When less than 60days notice is required for reductions in force.

f. Labor Management Relations.

(1) Deputy Assistant Secretary for Human Resources.

- (a) Accords national consultation rights to labor organizations.
- (b) Disapproves initial, or withdraws continuing, recognition of labor organizations.
- (c) Represents DOE with National labor organizations at Headquarters.
- (d) Reviews and approves all DOE negotiated agreements, renegotiations, supplements and side agreements.
- (e) Reviews, approves, and presents before the Federal Labor Relations Authority:
 - 1 Exceptions to arbitrator decisions;
 - 2 Exceptions to decisions of Federal Labor Relations Authority regional directors in "Representation Proceedings" and in "Unfair Labor Practice Proceedings;" and
 - 3 Exceptions to decisions of Federal Labor Relations Authority Administrative Law Judges in "Unfair Labor Practice Proceedings."
- (f) In conjunction with the Office of General Counsel, makes decisions on whether to seek judicial review of final decisions of the Federal Labor Relations Authority and & Merit System Protection Board.

(2) Heads of Department Elements negotiate agreements.

g. Leave.

- (1) Deputy Assistant Secretary for Human Resources develops Departmental policy and requirements regarding leave administration.
- (2) Heads of Departmental Elements.
 - (a) Approve leave.

- (b) Approve leave without pay in the following circumstances:
- 1 Disabled veterans in need of medical treatment.
 - 2 Reservists and National Guardsmen ordered to active duty for training or law enforcement when other appropriate leave has been expended.
 - 3 Employees who are injured and elect to use leave without pay under the Federal Employees Compensation Act.
 - 4 Employees with no accumulated leave who are required to be on leave without pay pending approval of their disability retirement application.
 - 5 To retain cooperative education students when they return to school between periods of employment with DOE.
 - 6 To an employee who represents a recognized labor organization.

h. Pay and Hours of Duty.

- (1) Office of the Secretary requests approval from Office of Personnel Management and the Office of Management and Budget for designation of critical pay positions.
- (2) Assistant Secretary for Human Resources and Administration.
 - (a) Establishes the Departmental administrative work week, and the basic work week for Headquarters employees.
 - (b) Authorizes the use of alternative work schedules for Headquarters employees.
 - (c) Determines administrative dismissals of Headquarters employees.
- (3) Deputy Assistant Secretary for Human Resources.
 - (a) Develops Departmental policy and requirements for pay administration and hours of duty.
 - (b) Establishes uncommon tours of duty (other than for Alternate Work Schedules) not in conformance with regulation, unless essential for continuous shift operations.

- (c) Approves premium pay on an annual basis.
- (d) Certifies special rate authorizations.
- (4) Office of the Chief Financial Officer.
 - (a) Pays employees based on documented authorizations.
 - (b) Maintains records which support each payment and identify the officials authorized to approve pay and leave.
- (5) Heads of Departmental Elements.
 - (a) Approve overtime, compensatory time off, and premium pay.
 - (b) Establish procedures which insure that overtime, compensatory time off, and premium pay are controlled in a cost-effective manner, including designating officials who are authorized to approve overtime.
- (6) Heads of Departmental Elements with Delegated Personnel Authority.
 - (a) Establish the basic work week and authorize the use of alternative work schedules.
 - (b) Determine administrative dismissals of employees.
- i. Performance Management.
 - (1) Office of the Secretary approves the following.
 - (a) Major DOE honorary awards.
 - (b) Cash awards to any individual employee in excess of \$7,500.
 - (c) Recommendations to Office of Personnel Management for cash awards to any individual employee in excess of \$10,000.
 - (2) Office of the Assistant Secretary for Human Resources and Administration approves travel expenses for guests to attend awards ceremonies.
 - (3) Deputy Assistant Secretary for Human Resources.
 - (a) Approves and forwards to Office of Personnel Management requests for exclusion of excepted service positions from the performance management system.

- (b) Obtains Office of Personnel Management approval of the Department's Performance Management System and approves implementing Performance Management Plans developed by Departmental Elements.
 - (c) Approves, for Headquarters Elements, awards scales for tangible or intangible benefits and establishment of special monetary awards.
- j. Position Classification. Deputy Assistant Secretary for Human Resources.
 - (1) Classifies personnel officer and senior classification specialist positions, and concurs in the selection of personnel officer positions.
 - (2) Decides position classification and job grading appeals.
- k. General Support Activities.
 - (1) Personnel Officials.
 - (a) Assist management by providing technical advice and assistance with regard to the requirements of applicable laws, regulations, merit principles and other guiding policies, directives, negotiated agreements and governing decisions of regulatory agencies and Federal Courts.
 - (b) Sign various documents to signify approval of actions as meeting the above referenced requirements.
 - (c) Advise and assist with regard to the broader likely implications of decisions made within management's delegated personnel authority.
 - (d) Inform employees and employee representatives of their rights and responsibilities within the Federal personnel system.
 - (e) Familiarize themselves with the concerns of employees and their representatives in order to develop personnel programs which enhance management's ability to motivate and recognize employee work efforts.
 - (2) Servicing Personnel Offices shall, unless otherwise stated, documented, suspended or withdrawn, for positions in the competitive and excepted service (excluding Schedule C) at GS-15 and below:
 - (a) sign Standard Forms 52 and 50, Requests and Notifications of Personnel Actions;

- (b) determine qualifications of candidates;
- (c) request delegated examining and direct-hire authorities from the Office of Personnel Management;
- (d) request competitive and non-competitive actions from Office of Personnel Management;
- (e) administer the Oath of Office and appointment affidavits;
- (f) classify positions up to and including the GS-15 level; and
- (g) make suitability determinations.

6. **REFERENCES.** Essential references are specified in the individual Federal human resource management directives which directly relate to this new delegations Order.

7. **CONTACT.** Questions on this Order should be addressed to the Department of Energy, Office of Personnel Policy, Programs, and Assistance, 202-586-8503.

BY ORDER OF THE SECRETARY OF ENERGY:



ARCHER L. DURHAM
Assistant Secretary for
Human Resources and Administration