

FDA STAFF MANUAL GUIDES, VOLUME II - DELEGATIONS OF AUTHORITY

ADMINISTRATIVE - PERSONNEL

AUTHORITY FOR EXECUTIVE RESOURCES MANAGEMENT

Effective Date: 03/08/2005

1. Authorities and to Whom Delegated
2. Limitations
3. Effective Date

1. AUTHORITIES AND TO WHOM DELEGATED.

- A. Establishment/abolishment of Senior Executive Service (SES) positions -- The Commissioner and the Deputy Commissioner retain authority for establishment/abolishment of all SES positions.
- B. SES career appointments -- The Commissioner and the Deputy Commissioner retain authority for SES career appointments, subject to the concurrence of the Secretary. The Executive Resources Board (ERB) will participate in the process at the recruitment and selection stage to certify merit staffing principles and to monitor outreach to minority candidates and the Agency's diversity profile. The ERB will continue its role in recommending to the Commissioner and the Deputy Commissioner priorities for filling positions, i.e., using available slots.
- C. Reassignments -- The Commissioner and the Deputy Commissioner retain the authority for all SES reassignments, subject to the concurrence of the Secretary.
- D. Transfers -- The Commissioner and the Deputy Commissioner retain the authority to approve the transfer of an SES executive into FDA, subject to the concurrence of the Secretary.
- E. Details to and from executive level positions -- to Deputy Commissioners for Policy, Operations, and International and Special Programs, the Center Directors, Associate Commissioners, and Chief Counsel, within their respective organizations, to detail an SES executive to other SES positions or to unclassified duties (Subject to U.S. Office of Personnel Management regulations). The Commissioner and the Deputy Commissioner retain the authority for all other details.

F. Reinstatement into the SES -- The Commissioner and the Deputy Commissioner retain the authority to reinstate an individual as a career SES executive, subject to the concurrence of the Secretary.

G. Adverse actions --

1. Line supervisors, who are direct reports to a Deputy Commissioner, Associate Commissioner, or Chief Counsel, are authorized, within their respective organizations, to propose adverse actions for SES executives.
2. The Deputy Commissioners for Policy, Operations, and International and Special Programs, the Associate Commissioners, and Chief Counsel are authorized, within their respective organizations, to decide an adverse action.
3. The Deputy Commissioners for Policy, Operations, and International and Special Programs, the Associate Commissioners, and Chief Counsel, in cases where adverse actions involve a direct report to them, are authorized to propose and decide the adverse action within their respective organizations.
4. The Commissioner retains the authority to propose and decide adverse actions for career SES executives who report directly to him/her.

H. Removal from the SES (for deficient performance) --

1. Line supervisors, who are direct reports to a Deputy Commissioner, Associate Commissioner, or Chief Counsel, are authorized, within their respective organizations, to propose removal from the SES.
2. The appropriate Deputy Commissioner for Policy, Operations, or International and Special Programs, Associate Commissioner, or Chief Counsel are authorized to approve the removal from the SES.
3. The Deputy Commissioners for Policy, Operation, and International and Special Programs, the Associate Commissioners, or Chief Counsel are authorized to propose and decide the removal from the SES in cases where removal is proposed for a direct report to them.
4. The Commissioner retains authority to propose and decide to remove career SES executives who report directly to him/her.
5. Initial pay setting and pay adjustments-

- a. Initial pay setting -- The Commissioner and the Deputy Commissioner retain authority to set initial pay for SES executives.
- b. Pay adjustments --
 - (1) The Deputy Commissioners for Policy, Operations, and International and Special Programs, the Associate Commissioners, Chief Counsel and Center Directors are authorized to make recommendations to the ERB on pay adjustments for executives within their organizations who have served one year at their current pay level.
 - (2) The Commissioner and the Deputy Commissioner retain authority to approve all pay adjustments, subject to the concurrence of the Secretary.
- I. Performance bonuses --
 - 1. The Deputy Commissioners for Policy, Operations, and International and Special Programs, and the Associate Commissioners, Chief Counsel and Center Directors are authorized, within their respective organizations, to make recommendations to the Commissioner on bonus amounts.
 - 2. The Commissioner and Deputy Commissioner retain authority for approving performance bonuses, subject to the final approval of the Secretary.
- J. Special Act Cash Awards -- The Commissioner and the Deputy Commissioner retain the authority to approve cash awards for SES career executives up to \$10,000.
- K. Recruitment and relocation bonuses and retention allowances (3Rs) -- The Commissioner and the Deputy Commissioner retain the authority to approve all initial requests for 3Rs for SES executives.
- L. (Note: The authority to approve renewals of SES retention allowances has been delegated to the Deputy Commissioners for Policy, Operations, and International and Special Programs, the Center Directors, Associate Commissioners, Chief Counsel, and Director, Office of Management Programs.)
- M. Sabbaticals -- The Commissioner and the Deputy Commissioner retain the authority to approve SES sabbaticals.

- N. Intergovernmental Personnel Act (IPA) Assignments -- The Commissioner and the Deputy Commissioner retain the authority to approve all IPA assignments.
- O. Alternative work schedules -- The SES executive's immediate supervisor approves work schedules.
- P. Establishment/appointment/pay setting and pay adjustments for senior level (SL) and scientific and professional (ST) positions -- The Commissioner and the Deputy Commissioner retain the authority to approve the establishment/ appointment/pay setting and pay adjustments for SL and ST positions, subject to concurrences/approvals of the Secretary.
- Q. Administrative changes to position descriptions -- The Commissioner and the Deputy Commissioner retain authority for all administrative changes to SES position descriptions.
- R. Appointments of non-flag Commissioned Officers into SES equivalent positions-- The Commissioner and the Deputy Commissioner retain the authority for all assignments of flag and non-flag Commissioned Officers into SES equivalent positions.
- S. Recommendation of approval of selectees' managerial qualifications to the USOPM -- The Commissioner and the Deputy Commissioner retain the authority to recommend approval of selectees' managerial qualifications to the USOPM.
- T. Senior Biomedical Research Service (SBRS) Appointments -- The Commissioner and the Deputy Commissioner retain authority to make initial U. SBRS appointments (with recommendations made by the Chair, SBRS Credentials Committee).
- U. SBRS Reassignments -- The Deputy Commissioners for Policy, Operations, and International and Special Programs, the Associate Commissioners, and Center Directors are authorized to make reassignments of SBRS employees within their own organizations. The Commissioner and Deputy Commissioner retain the authority to approve all other reassignments within the SBRS.
- V. SBRS Initial Pay Setting and Pay Adjustments
 - 1. Initial Pay Setting for SBRS (subject to Office of Management and Budget (OMB) limitations) -- The Commissioner and the Deputy Commissioner retain authority to set initial pay for SBRS employees. The SBRS Credentials Committee and the ERB will continue to review

and make recommendations to the Commissioner or Deputy Commissioner.

2. Recruitment and relocation bonuses and initial retention allowances for SBRS executives - The Commissioner and Deputy Commissioner retain the authority to approve all initial requests for 3Rs for SBRS executives.

(Note: The Commissioner, Deputy Commissioner, Deputy Commissioners for Policy, Operations, and International and Special Programs, the Associate Commissioners, Chief Counsel, Center Directors, and the Director, Office of Management Programs have authority to approve renewals of SBRS retention allowances.)

3. Pay Adjustments --
 - a. SBRS pay adjustments equal or greater than the amount equivalent to Executive Schedule EX IV -- The Commissioner and the Deputy Commissioner retain authority to approve these pay adjustments. The ERB will continue to review and make recommendations on these pay adjustments.
 - b. SBRS pay adjustments to amounts less than that equivalent to Executive Schedule EX IV --Center Directors and OC Office Directors may approve adjustments in pay for SBRS executives below the amount equivalent to Executive Schedule EX IV.

W. SES Probationary Periods -- The Deputy Commissioners for Policy, Operations, and International and Special Programs, the Associate Commissioners, Chief Counsel and Center Directors are authorized, for executives within their organizations, to certify those who have served a one-year SES probationary period that the appointee's performance during the probationary period was at the level of excellence expected of a senior executive. The Commissioner and the Deputy Commissioner retain the authority to certify the probationary period performance for all other career SES executives.

All previous delegations of authority inconsistent with the provisions of this delegation are superseded.

2. LIMITATIONS:

The Secretary reserves the authority for the following:

- o to allocate all slots for SES, SBRS, SL, and ST positions;

- to establish overall bonus pools, within which individual bonus decisions will be made;
- to approve all non-career executive personnel actions;
- to nominate executives for Presidential rank awards;
- to approve career appointments of current or former non-career appointees; and
- to approve Assistant Surgeon General appointments and promotions.

3. EFFECTIVE DATE:

This delegation was signed by Lester M. Crawford, D.V.M., Ph.D., Acting Commissioner of Food and Drugs, and became effective on March 8, 2005.