

FDA STAFF MANUAL GUIDES, VOLUME II - DELEGATIONS OF AUTHORITY

ADMINISTRATIVE - PERSONNEL

**AUTHORITY TO TAKE ADVERSE ACTIONS FOR MISCONDUCT AND
OTHER REASONS**

Effective Date: 09/20/2004

1. AUTHORITY DELEGATED.

To propose an adverse action and issue the decision on an adverse action. This delegation covers all FDA employees except those in the Senior Executive Service, the PHS Commissioned Corps, and others who are excluded by 5 CFR 752.201(c) and 752.401(d). Adverse actions are discussed in 5 C.F.R. Part 752, subparts A through D.

2. TO WHOM DELEGATED.

- A. First-line supervisors have been delegated authority to propose an adverse action. Officials higher in the supervisory line may exercise this authority if they choose. The authority may also be exercised by an appropriate official other than an official in line of supervision over an employee; such alternate delegation may be made only in special circumstances where deemed warranted by an official higher in the supervisory line than the first level supervisor.
- B. The supervisor of the proposing official has been delegated authority to make the decision on an adverse action and authority to disallow the employee's representative. Officials higher in the supervisory line may exercise these authorities if they choose. These authorities may also be exercised by a higher level official other than an official in line of supervision over the employee. Such alternate delegation will be made only in special circumstances where deemed warranted by an official higher in the supervisory line than the second-level supervisor.

All previous delegations of authority inconsistent with the provisions of this delegation are superseded.

3. LIMITATIONS.

- A. The Secretary retains authority to make the decision on the suspension or removal of an employee whether in a sensitive or nonsensitive position, on the grounds of disloyalty or subversion.

- B. The requirement that the deciding official in an adverse action must be a different and higher level official than the proposing official is not applicable in a furlough of 30 days or Page 2 - 1431.12 less or an adverse action for which 30 days advance written notice is not required under OPM Regulation 5 CFR 752.404(d).
- C. Officials delegated authority herein will consult with their servicing Employee/Labor Relations Specialist before issuing a letter proposing an adverse action or a letter of decision on these actions.

4. REDELEGATION AND CERTIFICATION.

These authorities may not be further redelegated.

5. EFFECTIVE DATE.

This delegation was signed by Jeffrey M. Weber, Associate Commissioner for Management, on September 20, 2004.