

SMG 1431.14

FDA STAFF MANUAL GUIDES, VOLUME II - DELEGATIONS OF AUTHORITY

ADMINISTRATIVE - PERSONNEL

**AUTHORITY TO ISSUE GRIEVANCE DECISIONS UNDER HHS PERSONNEL
INSTRUCTION 771-3**

Effective Date: 07/13/1995

Transmittal Number 96-04 -- Date: 02/15/1996

1. AUTHORITY DELEGATED.

To issue grievance decisions.

2. TO WHOM DELEGATED.

- A. The first official within the Department with authority over the matter grieved is authorized to make the decision on a grievance at the informal level of the Department's grievance procedures, that is, to be the Stage 1 Official. The Stage 1 official's administrative superior with authority over the matter grieved may exercise the authority instead of the Stage 1 Official if the administrative superior chooses to do so.
- B. The immediate supervisor of the Stage 1 Official is authorized to make a formal grievance decision, i.e., to be the Stage 2 Official. An official in the line of supervision over that official may exercise Stage 2 authority if he/she chooses to do so.

All previous delegations of authority inconsistent with the provisions of this delegation are superseded.

3. LIMITATIONS.

- A. This delegation does not pertain to grievance decisions made under the grievance procedures of labor/management agreements (i.e., under negotiated grievance procedures), which are governed by the terms, authorities, and conditions of the applicable labor/management agreements, or to grievance decisions made under the PHS Commissioned Corps grievance procedures.
- B. Officials delegated authority herein will consult with their servicing personnel office before issuing a letter of decision on a grievance.

- C. The authority is to be exercised only within the provisions of applicable laws, regulations, and policies.
- D. In any particular grievance, the Stage 2 Official
 - 1. Must not be an official who previously made a decision on an adverse action, separation, or reassignment to a position in a different commuting area that is being grieved.
 - 2. Must not be an official who issued a decision under the informal grievance procedures.
 - 3. Must have authority over the matter grieved.
 - 4. Must be an official at a higher level than any employee involved in any phase of the grievance, except when the Secretary is involved (5 CFR 771.202(h)).
- E. The ACM may issue a special delegation of this authority to an agency official, including himself, other than in the supervisory line over the Stage 1 Official. However, that official must have authority over the matter grieved and must be at a higher level in the agency (but not necessarily grade) than the Stage 1 Official.

4. REDELEGATION AND CERTIFICATION.

These delegations may not be further redelegated.

5. EFFECTIVE DATE.

This delegation of authority was signed by Robert J. Byrd, Associate Commissioner for Management effective July 13, 1995.