

FDA STAFF MANUAL GUIDES, VOLUME II - DELEGATIONS OF AUTHORITY

REGULATORY - GENERAL AGENCY

**AUTHORITY TO ESTABLISH AND MAINTAIN EQUAL EMPLOYMENT
OPPORTUNITY (EEO) PROGRAMS**

Effective Date: 06/04/2010

Change: 08/24/2010

1. AUTHORITY DELEGATED.

To exercise personal leadership for establishing and maintaining EEO programs as follows:

1. Develop and implement required affirmative employment programs
2. Conduct community outreach activities
3. Select, train, and make EEO counselors available for mandatory pre-class and pre-individual discrimination complaint counseling, including the establishment of alternative dispute resolution procedures to be used as adjuncts to pre-complaint counseling
4. Provide EEO training to staff, volunteers, supervisors, and managers and other personnel
5. Provide prompt, fair, and impartial consideration of complaints, charges and claims, including matters presented by aggrieved employees to EEO counselors, emphasizing informal resolution of disputes
6. Accept, dismiss, cancel and investigate individual and class complaints
7. Provide complainants with a copy of the investigative file and notify them of their right to a hearing or an immediate final agency decision
8. Conduct any required or appropriate inquiry and issue any subsequent written report as may be required under the Age Discrimination in Employment Act of 1967, as amended, and under applicable implementing instructions
9. Approve settlement agreements (including retroactive personnel actions and/or back pay which require the concurrence of the

appropriate servicing personnel officer or designee as to technical accuracy)

10. Award attorneys' fees in accordance with applicable laws and regulations
11. Issue final decisions on the merits of those complaints for which the complainant did not promptly request either a hearing or an immediate final decision
12. Request that the Commissioners of the Equal Employment Opportunity Commission (EEOC) reopen and reconsider a previous appellate decision of EEOC's Office of Federal Operations concerning FDA procedural dismissals or merit determinations

2. TO WHOM DELEGATED.

Director, Office of Equal Employment Opportunity and Diversity Management,
Office of the Commissioner.

All previous delegations of authority inconsistent with the provisions of this delegation are superseded. Additionally, I hereby ratify and affirm any actions taken that in effect involved the exercise of these authorities delegated herein prior to the effective date of this delegation.

3. LIMITATIONS.

- A. If a claim or charge involves the action of a person who has an organizational peer relationship with the official to whom these authorities have been redelegated, processing of the complaint must be under the personal guidance and supervision of the Commissioner.
- B. These authorities are limited to matters affecting civilian employees and applications for civilian employment. They do not extend to functions, vacancies, or personnel in the Commissioned Corps of the U.S. Public Health Service.
- C. Information and guidelines on exercising these authorities are contained in Title 29, Code of Federal Regulations, Part 1614, appropriate guidelines and management directives promulgated by EEOC, and related Department instructions.

4. REDELEGATION AND CERTIFICATION.

This official may not redelegate these authorities.

5. EFFECTIVE DATE.

The Commissioner of Food and Drugs approved this delegation, via memorandum, on June 4, 2010.

STATUS (I, R, C)	DATE APPROVED	LOCATION OF CHANGE HISTORY	CONTACT	APPROVING OFFICIAL
Initial	06/04/2010	N/a	OC/OA/ OEEODM	Margaret A. Hamburg, M.D., Commissioner of Food and Drugs
Change	08/24/2010	Section Heading 2	OC/OA/ OEEODM	Vanessa Starks, FDA Principal Delegation Control Office