

SMG 1430.5

**FDA STAFF MANUAL GUIDES, VOLUME II – DELEGATIONS OF
AUTHORITY**

ADMINISTRATIVE – PERSONNEL

AUTHORITY TO APPROVE OVERTIME

Effective Date: December 18, 2015

1. AUTHORITY DELEGATED AND TO WHOM DELEGATED

- A. The following officials are authorized to approve regularly scheduled and irregular or occasional overtime for personnel within one's organization:
1. Deputy Commissioners
 2. Associate Commissioners
 3. Assistant Commissioners
 4. Chief Counsel and Deputy Chief Counsels
 5. Chief Scientist
 6. Center Directors and Deputy Center Directors
 7. Associate Director, Office of Management, National Center for Toxicological Research (NCTR), Office of the Chief Scientist, Office of the Commissioner (OC)
 8. Director, Office of Management, Center for Biologics Evaluation Research (CBER), Office Medical Products and Tobacco (OMPT)
 9. Associate Director for Management, Center for Drug Evaluation Research (CDER), OMPT
 10. Associate Director for Management, Office of Management, Center for Devices and Radiological Health (CDRH), OMPT
 11. Director, Office of Management, Center for Tobacco Products (CTP), OMPT

12. Associate Director for Management, Office of Management, Center for Food Safety and Applied Nutrition (CFSAN), Office of Foods and Veterinary Medicine (OFVM)
13. Associate Director for Management, Office of Management, Center for Veterinary Medicine (CVM), OFVM
14. Director, Office of Resource Management, Office of Regulatory Affairs (ORA), Office of Global Regulatory Operations and Policy (OGROP)
15. ORA Regional Food and Drug Directors and District Directors, ORA, OGROP
16. Deputy Chief Operating Officer, Office of Operations (OO)
17. Director, Office of Human Resources, OO

2. LIMITATIONS

- A. Before approving overtime, authorized officials must ensure that overtime funds are available.
- B. Authority to approve regularly scheduled and irregular or occasional overtime for individuals who are under his/her direct supervision remains with the Commissioner.
- C. Members of the Senior Executive Service (SES), and Physicians and Dentists receiving Title 38 Physician and Dentists Pay (PDP), are not eligible for overtime compensation.
- D. Employees receiving pay at the General Schedule (GS) Grade 15 Step 10 level may not receive overtime compensation.

3. REDELEGATION.

- A. The authority to approve regularly scheduled and irregular or occasional overtime may be re-delegated to officials who are the second-level supervisors, or higher, of the employees for whom overtime is authorized. This includes irregular and occasional or regularly scheduled overtime payment for work performed at home or at an alternative worksite. The authority may be re-delegated to the first-level supervisor when the second-level supervisor is not located in the same commuting area as the first-level supervisor.
- B. The authority to authorize additional annual compensation as authorized under

5 C.F.R §550.151 (administratively uncontrollable work (AUW)) may only be re-delegated to principal agency field officials, for field employees, with no further re-delegation authorized. Before authorizing AUW, field officials should contact the FDA Office of Human Resources for the most recent guidance and procedural requirements on AUW.

- C. Any re-delegation must be in writing and specify the nature and extent of the authority re-delegated. Delegates must be certified as knowledgeable about the legal, regulatory, and policy requirements regarding overtime approval. A copy of the re-delegation of this authority must be furnished to the FDA Principal Delegation Control Officer. Delegates are subject to compliance audits.

4. EFFECTIVE DATE.

The Deputy Commissioner for Operations and Chief Operating Officer approved this delegation, via memorandum, on December 18, 2015.

| STATUS (I, R, C) | DATE APPROVED | LOCATION OF CHANGE HISTORY | CONTACT | APPROVING OFFICIAL |
|---------------------|------------------|----------------------------------|---------|---|
| Initial | 12/18/2015 | N/a | OO/OHR | Walter S. Harris, MBA, Deputy Commissioner for Operations & Chief Operating Officer |