

Material Transmitted:

HHS Instruction 250-3, Delegation of Authority for Personnel
Administration and Personnel Management

Material Superseded:

HHS Instruction 250-3, Delegation of Personnel and EEO
Authority and Headquarters/Regional Office
Relationships (all) (12/9/83)

HHS Instruction 250-5, Appointing and Selecting Authority
(all)(8/31/82)

Material Abolished:

HHS Instruction 250-4, Delegation of Term Promotion Authority
(all) (7/6/92)

HHS Instruction 250-6, Classification Authority for SSA (all)
(12/23/83)

Background:

This Instruction has been revised consistent with recent changes in the organization of HHS, and in support of HHS administrative initiatives calling for more streamlined rules and greater delegation of authority.

Under this issuance, two instructions have been combined because of similar subject matter, and two instructions have been abolished because of the need to eliminate obsolete material and to streamline the rules.

Any reference to "OPDIV" in this Instruction now includes AHCPR, ATSDR, CDC, FDA, HRSA, IHS, NIH, SAMHSA, the Office of the Secretary, the Program Support Center, HCFA, ACF, and AOA.

This issuance is effective immediately. Implementation of this issuance must be carried out in accordance with applicable laws, regulations, and bargaining agreements.

HHS Transmittal 97.7
Personnel Manual
Issue Date: May 1, 1997

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Filing Instructions:

Remove superseded and abolished material and file new material.
Post receipt of this transmittal to the HHS Check List of
Transmittals and file this transmittal in sequential order after
the check list.

John J. Callahan
Assistant Secretary for
Management and Budget

INSTRUCTION 250-3

HHS PERSONNEL INSTRUCTION 250-3
PERSONNEL ADMINISTRATION AND PERSONNEL MANAGEMENT

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Administration and Personnel Management

250-3-00 PURPOSES AND SCOPE

This Instruction states Department policy for personnel administration and personnel management. It also includes guidelines for implementing the delegation of authority for appointing and selecting employees (see Exhibit 250-3-A). It applies to all positions and personnel except those in the Public Health Service (PHS) Commissioned Corps. (For guidance in selecting and appointing personnel in the PHS Commissioned Corps, see the Commissioned Corps Personnel Manual.)

250-3-10 REFERENCES

- A. 5 U.S.C., Chapter 31, Authority for Employment; Subpart B, Employment and Retention; Subchapter I, Employment Authorities; and Subchapter II, The Senior Executive Service
(law)
- B. 5 CFR, Part 300-Employment (General) (regulations)
- C. HHS Personnel Instructions in the 300 and the 900 series
- D. Other related HHS Personnel Instructions associated with the Office of Personnel Management's regulations, guidelines, or policies

250-3-20 DEFINITIONS

Delegations relating to this Instruction are based on the following definitions and concepts:

- A. Personnel administration is used to refer to the exercise of legal and regulatory authorities and responsibilities related to the appointment, promotion, demotion, or separation of personnel; the classification of positions; the fixing of pay; and similar functions performed by servicing personnel offices, including the issuance of procedures and guidelines required for the accomplishment of its functions.

- B. Personnel management is used to refer to the responsibilities assigned to line management to make decisions about the organization of work and the selection and utilization of human resources of the Department. This includes, but is not limited to, selection of personnel; acceptable level of competence determinations; employee appraisals; and approval of training, quality increases, performance awards, adverse actions, leave and overtime.

- C. Selecting Authority
 - 1. An official who exercises selecting authority makes the management decision of choosing a person to fill a position by any type of personnel action. The freedom, within the limits established by law, regulation, and Department policy, of an official who has been delegated selecting authority to determine the composition of the staff with which he or she carries out program responsibilities is not abridged by vesting appointing authority in another official.

 - 2. The highest official whose signature is required before actions can be effected has final selecting authority.

- D. Appointing authority includes, but is not limited to, the following:

1. Making the necessary legal, regulatory, and policy compliance determinations with respect to, and effect:
 - a. Appointments, promotions, changes to lower grade, and reassignments of personnel to positions in the competitive and excepted services, including experts, consultants, and committee members;
 - b. Suspensions and involuntary separations of personnel;and
 - c. Pay changes and any other personnel actions authorized by law or regulation.
2. Effecting nondiscretionary actions. A nondiscretionary action is one in which the appointing authority has neither administrative discretion as to whether to take action nor leeway to determine the nature of the action. Examples of nondiscretionary actions are resignations and optional or mandatory retirement.
3. Appointing officers may propose and decide adverse actions for employees under their appointing authority when those adverse actions are necessary to resolve personnel administration issues, e.g., remove an employee from a position to which he or she was erroneously promoted in violation of a regulation or downgrade an employee to correct a classification error and the employee is not entitled to retained grade. This provision does not preclude a line management official from proposing or deciding the action.
4. The following provisions apply to the exercise of appointing authority:
 - a. Required approvals, either within or outside the Department, must be obtained before a personnel action is effected. Such approvals may be requested by the official with delegated

appointing authority, except where authority to make such requests has been specifically retained at a higher organizational level.

- b. Officers-in-charge and administrative or executive officers in Department activities in foreign countries are authorized to effect appointments, promotions, demotions, reassignments, suspensions, and involuntary separations of non-U.S. citizens, provided appropriate arrangements have been made for technical personnel support to be provided by the Embassy or by the Agency for International Development.
- c. With concurrence of the organizations involved, the Deputy Assistant Secretary for Human Resources, Office of the Assistant Secretary for Management and Budget, may authorize a Personnel Officer, to whom appointing authority has been delegated, to exercise the same level and kind of authority for another activity in the same, or different, organization within the Department.

250-3-30 POLICY

- A. Department policy requires that personnel management authority and responsibility be delegated to the lowest organizational level consistent with good management practices. Based on this policy, heads of OPDIVs or their properly designated delegates will determine the level of redelegation of these authorities within their organizations.
- B. All redelegations of personnel authority should be issued in accordance with applicable laws, regulations of the Equal Employment Opportunity Commission, Office of Personnel Management, and Department policies and instructions.
- C. The redelegation of an authority does not divest the delegating official of the authority and responsibility

vested in him or her. The delegating official may, when desired, exercise any authority he or she has redelegated. Officials to whom authority is redelegated act for, and on behalf of, the delegating officials.

- D. All redelegations of authority must be issued in accordance with Chapter 8-100, "Delegation of Authority," of the HHS General Administration Manual.
- E. As a general rule, delegations of personnel management and Administration authorities and responsibilities will be made by the Assistant Secretary for Management and Budget (ASMB) to the OPDIV heads for redelegation within their respective organizations, with the following exception: the Director, Office of Human Resources Service, Program Support Center, has personnel administration authority for all HHS employees serviced by the Program Support Center.
- F. A redelegation that deviates from any provision of a delegation of authority issued to an OPDIV Head should not be made without appropriate change in the delegation issued to the OPDIV Head. Requests for revisions to delegations issued by senior officials from the Office of the Secretary must be supported to the ASMB in writing, through appropriate OPDIV channels. The request should state clearly the change requested and the justification for it.

250-3-40 AUTHORITY OF THE SECRETARY

- A. As the head of the Department, the Secretary supervises and directs the personnel management and personnel administration activities of the Department.
- B. Certain personnel authorities are specifically reserved by the Secretary. These are identified in various Instructions in the Department Personnel Manual.

250-3-50 AUTHORITY OF THE ASSISTANT SECRETARY FOR MANAGEMENT AND BUDGET

- A. The Secretary's personnel authority, if not retained, has been delegated to the Assistant Secretary for Management

and Budget (ASMB) with authority to redelegate to officials within the Department.

- B. The authorities exercised in the Office of the ASMB are identified in various issuances in the Department Personnel Manual.

250-3-60 AUTHORITY OF THE DEPUTY ASSISTANT SECRETARY FOR HUMAN RESOURCES

As the principal advisor to, and representative of, the ASMB on personnel matters, the Deputy Assistant Secretary for Human Resources (DASHR) has been delegated the personnel authority of the ASMB, except where such authority has been specifically reserved.

250-3-70 AUTHORITY OF THE OPDIV/STAFFDIV HEADS

- A. The OPDIV and STAFFDIV Heads have appointing authority and selecting authority for their respective components, subject to the conditions and guidelines outlined in HHS Instruction 250-3, of the Department Personnel Manual.
1. The delegation of authority in Exhibit 250-3-A of HHS Instruction 250-3 does not apply to those authorities covered by other Instructions or other delegations, and it does not apply to those authorities retained by the Secretary or the Assistant Secretary for Management and Budget.
 2. When filling a top job in a regional office, OPDIV and STAFFDIV Heads will consult with and obtain input from the appropriate Regional Director. This will enable the OPDIV or STAFFDIV to obtain the important perspective which regional directors provide.
 3. The authorities delegated to OPDIV and STAFFDIV Heads apply to all employees and positions in the Department, but they do not apply to the PHS Commissioned Corps.

May 1, 1997

TO: Heads of Operating Divisions
Heads of Staff Divisions
Deputy Assistant Secretary for Human Resources

FROM: Assistant Secretary for Management
And Budget

SUBJECT: Delegation of Authority for Personnel Administration
and Personnel Management

A. Delegation of Authority: I hereby delegate the following
authorities to officials identified below for the areas
indicated:

1. OPDIV/STAFFDIV HEADS: Appointing authority and
authority to make selections for your area of
responsibilities.
2. DEPUTY ASSISTANT SECRETARY FOR HUMAN RESOURCES: All
personnel authority of the Assistant Secretary for
Management and Budget, except where such authority has been
specifically reserved.
3. DIRECTOR, OFFICE OF HUMAN RESOURCES SERVICE, PROGRAM
SUPPORT CENTER (PSC): Appointing authority for all HHS
employees serviced by the PSC.

B. Guidance: This authority is subject to the conditions and
guidelines outlined in HHS Personnel Instruction 250-3.
Copies of the revised HHS Personnel Instruction 250-3 will
also be distributed, through the directive system, to
departmental human resources offices and administrative
officers.

C. Authority Superseded: This delegation supersedes the
following delegations of authority memoranda from the, then,
Assistant Secretary for Personnel Administration: August 9,
1995, entitled "Delegation of Personnel Administration
Authorities;" August 31, 1982, entitled "Delegation of Selecting
Authority;" and August 31, 1982, entitled

"Delegation of Appointing Authority;" and all prior delegations which may exist, but are not listed. Existing redelegations made under these memoranda will continue in effect until new redelegations are made under the authority of this memorandum.

C. Effective Date: This delegation is effective on the date of ___ signature.

John J. Callahan