

Subject: DELEGATIONS OF AUTHORITY BY THE SECRETARY

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8-101-00 PURPOSE

This chapter describes the process to be followed in requesting the Secretary to delegate authority and in keeping track of redelegations of Secretarial authority.

8-101-10 RESPONSIBILITY

Heads of principal operating components (POCs) and OS offices are responsible for identifying the need for legal authority to administer their programs and activities and, when the authority resides with the Secretary, for requesting the Secretary to delegate the needed authority to them.

8-101-20 DOCUMENTATION

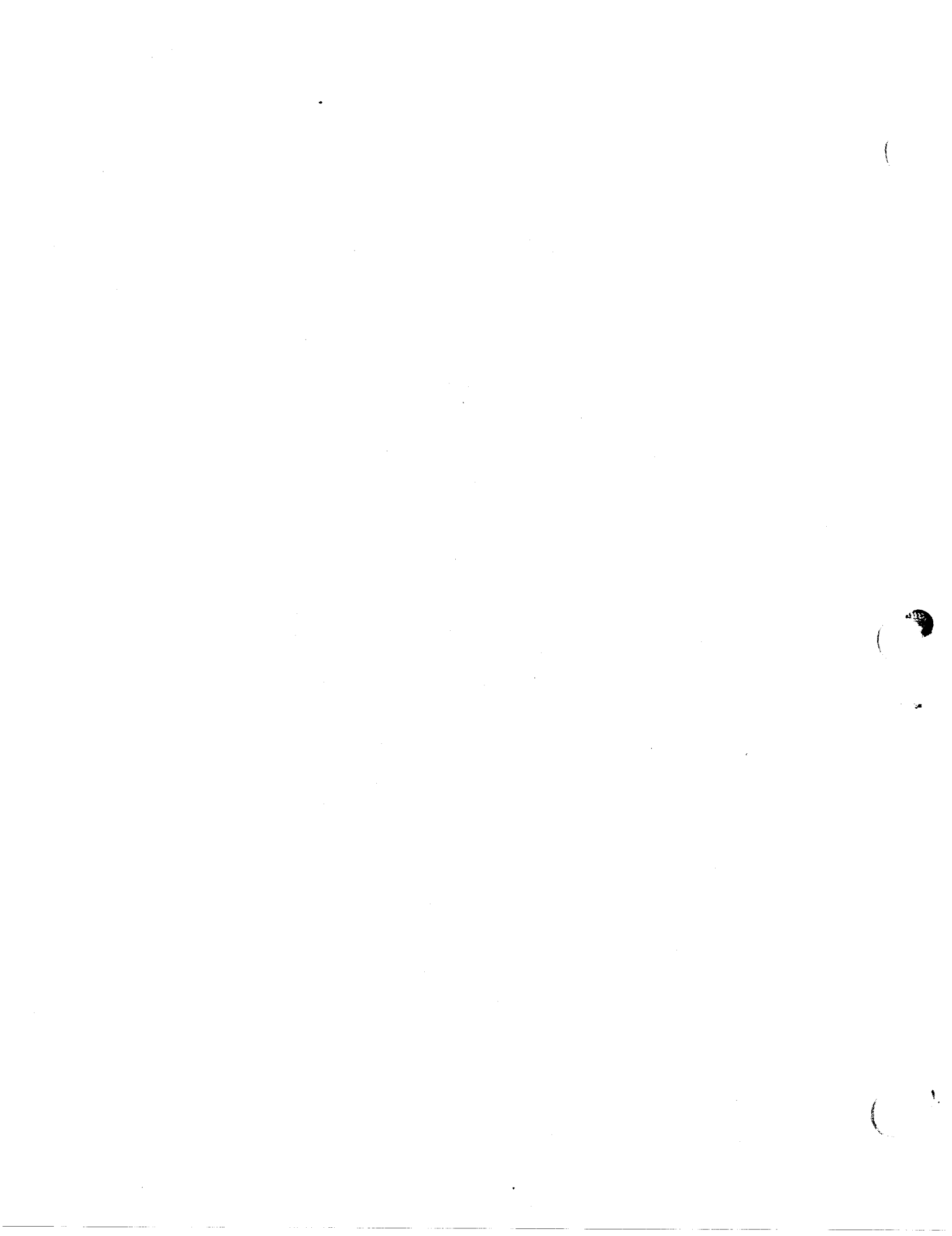
- A. Each request for Secretarial delegation should include the following documentation:
1. Decision Memorandum to the Secretary, containing the information outlined in Paragraph 8-101-20B.
 2. Delegation of Authority, containing the information outlined in Paragraph 8-101-20C.
 3. Federal Register Notice prepared for the signature of the Assistant Secretary for Management and Budget (ASMB), if the delegation affects the public.
 4. A copy of the law, executive order, or other enabling document which confers the authority on the Secretary, with the sections of the document that specifically confers the authority on the Secretary appropriately marked.
 5. A copy of each existing delegation from the Secretary that the new delegation will amend, supersede, or cancel. Do not include copies of redelegations.



- B. The decision memorandum to the Secretary should identify:
1. The authority or authorities that the Secretary should delegate.
 2. The law, executive order, or other enabling document which confers the authority on the Secretary.
 3. Specific reasons why the Secretary should delegate the authority to the requesting official.
 4. Any condition imposed by the enabling document or by previously issued Secretarial policy which affects the delegating of the requested authority. (For example, the enabling document may forbid delegating the authority below a certain organizational level.)
 5. Whether the requesting official plans to redelegate the authority and, if yes, to what extent and to whom.
- C. The delegation of authority should be addressed to the requesting official (and/or any other official to whom the Secretary should delegate the authority), be prepared for the signature of the Secretary, and identify:
1. The enabling document which confers the authority on the Secretary.
 2. The authority or authorities to be delegated.
 3. The authorities to be reserved by the Secretary. See Section 8-101-50.
 4. Any limitation or restriction that the enabling document places on delegating or redelegating the authorities which the Secretary is delegating.
 5. Whether the authorities which the Secretary is delegating may be redelegated.
 6. Effective date of the delegation.
 7. Effect of the delegation on existing delegations and redelegations.

8-101-30 PROCESSING

- A. Submission. Heads of POCs and OS offices should submit their requests for delegations to the Secretary through the Assistant Secretary for Management and Budget, in original and five copies.



- B. Review. The Assistant Secretary for Management and Budget, through the Division of Organizational Analysis, will coordinate the review of the proposed delegation with the Office of the General Counsel, other pertinent OS offices and, as appropriate, other POCs, negotiate resolution of problems which may arise during the review, and present the delegation to the Secretary through the Under Secretary and the Executive Secretary.
- C. Distribution and Depository. After the Secretary approves the delegation, the Executive Secretary will:
1. Forward the original of the delegation to the requesting official.
 2. Forward a copy of the delegation together with the original of the Federal Register notice to the ASMB, who will have the notice published in the Federal Register and maintain a compilation of Secretarial delegations.
 3. Maintain the official file on the delegation, including a copy of the delegation.

8-101-40 REDELEGATION OF SECRETARIAL AUTHORITY

Each time the head of a POC or OS office redelegates authority that the Secretary delegated to him/her, that official should:

- A. Have the redelegation published in the Federal Register if it may have a significant impact on the public. See Section 8-100-90 of this manual.
- B. Send a copy of the redelegation to both his/her delegation control officer and the Department delegation control officer (Room 542E, Hubert H. Humphrey Building). The delegation control officers shall index the redelegation by subject and delegating official and maintain the copy in their files until the redelegation is superseded or cancelled.

8-101-50 AUTHORITIES RESERVED BY THE SECRETARY

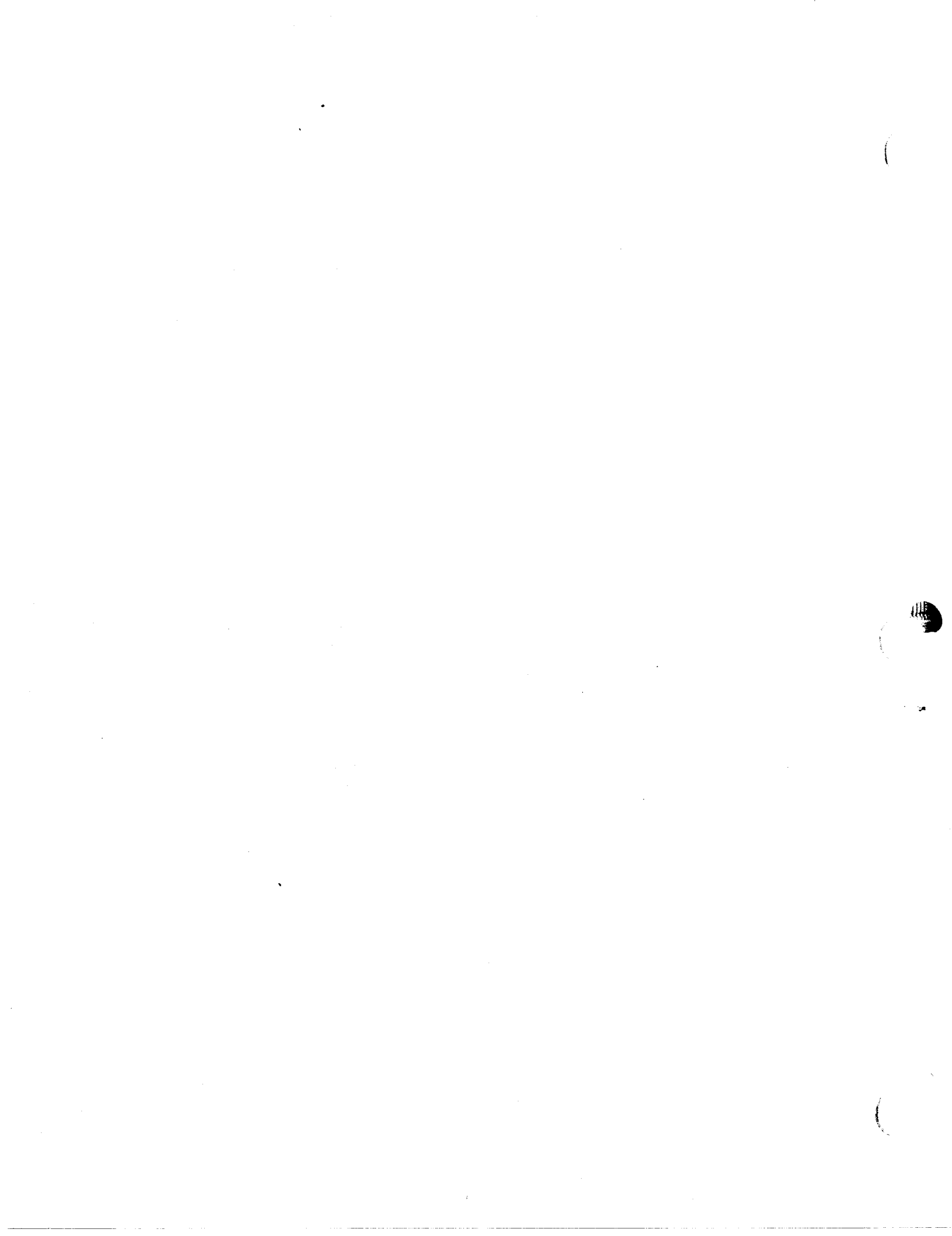
The Secretary reserves certain authorities. They are listed in Section AA.30, HHS Organization Manual, and include authorities such as reporting to the President and the Congress, approving and issuing regulations, establishing advisory councils and committees, and appointing their members.

Each delegation written for the Secretary's approval must contain a statement reserving these authorities to the Secretary.



8-101-60 TECHNICAL ASSISTANCE

Information in existing Secretarial delegations as well as technical assistance on preparing Secretarial delegations may be obtained from delegation control officers or from the Division of Organizational Analysis, Office of the Secretary.



TO : See Below

DATE: September 21, 1979

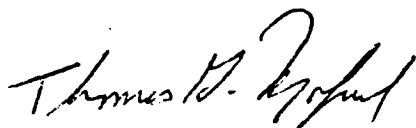
FROM : Director
Division of Organizational Analysis

SUBJECT: Delegations of Authority -- Format and Content

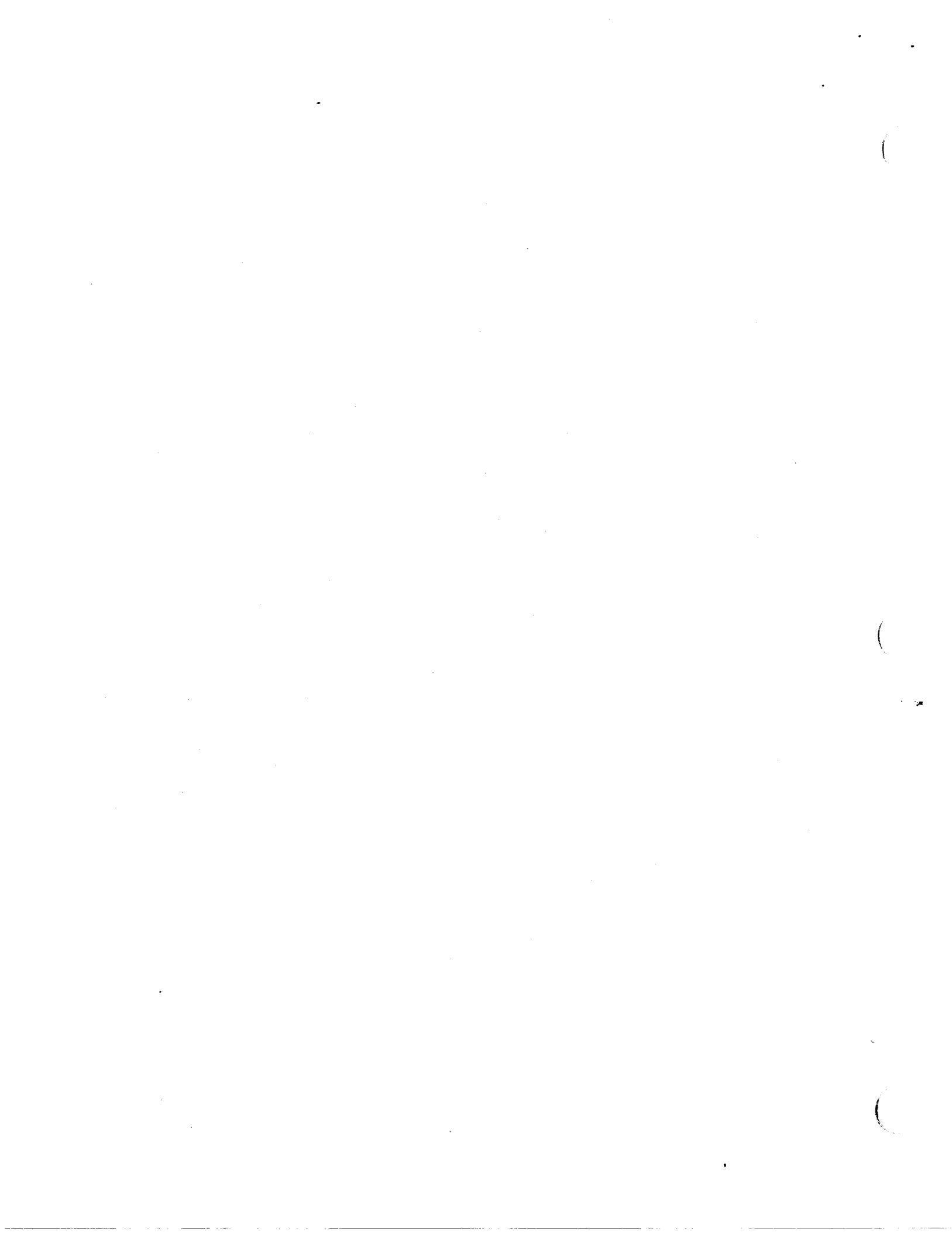
We have received complaints about the wide variance in the format and content of recently-issued delegations of authority. You undoubtedly are aware of the importance of delegations, since they provide you and other HEW officials with the legal authority you need to carry on your job. It is vital that each delegation be explicit, concise, complete, understandable, and legally correct.

You can find the department's guidelines on delegations in the General Administration Manual. Chapters 8-100 and 8-101 tell when and how you should make delegations. Chapter 8-101, Paragraph 30A (copy attached) lists the specific information that each delegation must contain. I also have attached a sample delegation showing the format you should use.

You should closely follow these instructions in making delegations within your component or office. I ask you to bring this important matter to the attention of officials throughout your component or office.


Thomas G. Morford

Attachments (2)
Addressees:
POC Executive Officers
OS Executive Officers
RASC Directors



SAMPLE

MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY

Official to Whom Delegated **TO :** Director, National Institute of Education

DATE: JUL 10 1970

FROM : Assistant Secretary for Personnel Administration

SUBJECT: Delegation of Authority to Grant Leave, Excuse Absence, Approve Overtime, and Approve the Restoration of Annual Leave

Authority to Delegate

Authority Delegated

Restrictions and Limitations

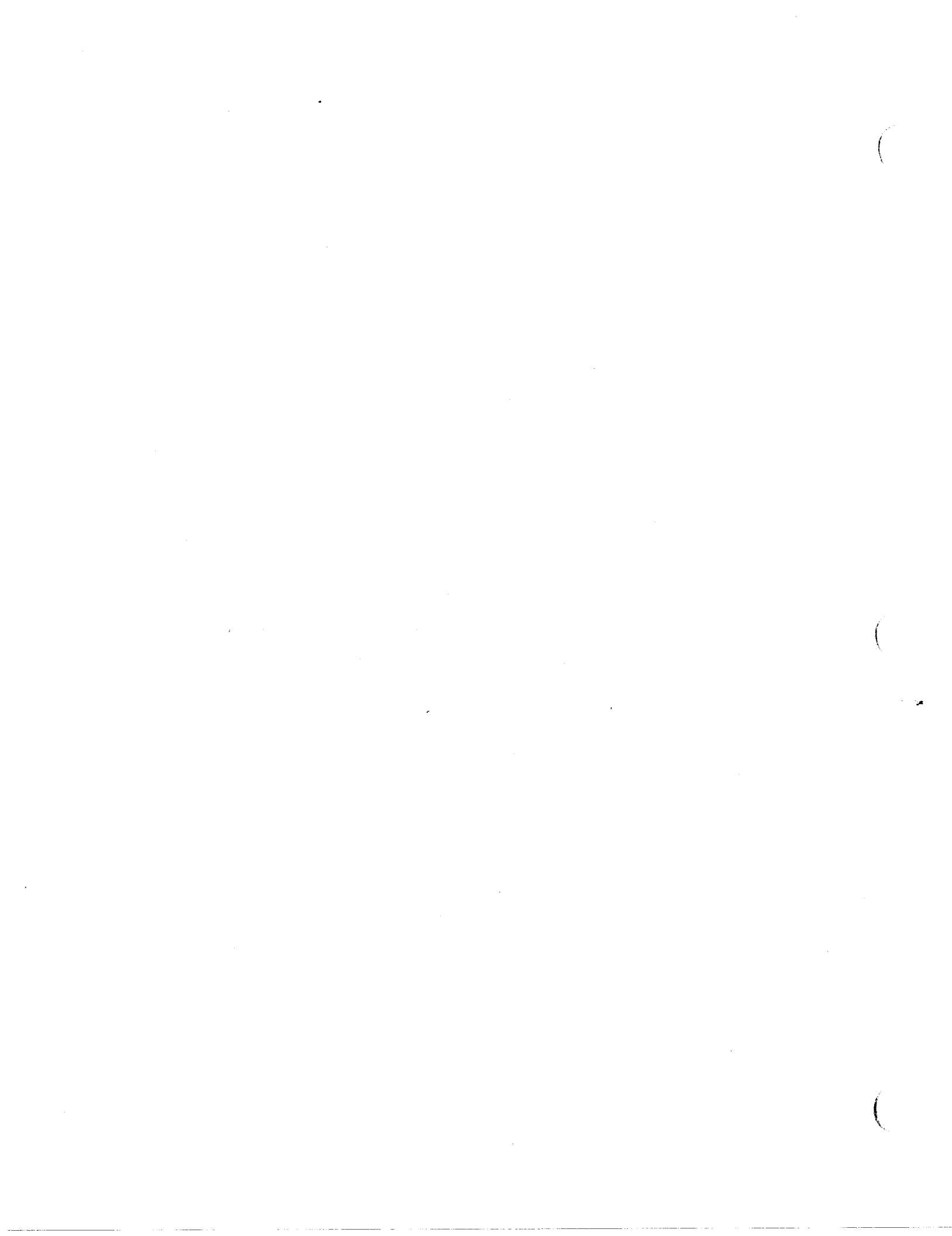
Reference Documents

1. Under the authority vested in the Assistant Secretary for Personnel Administration by memorandum from the Secretary dated March 11, 1966, as modified by the Secretary's Reorganization Order dated March 8, 1977, I hereby delegate to the Director, National Institute of Education for personnel within the National Institute of Education, authority to:

- a. Grant annual and sick leave, including authority to approve the advance of annual and sick leave to the extent permitted by law, regulations, and policy;
- b. Approve leave without pay, require employees to take involuntary leave, or charge employees with absence without leave;
- c. Excuse absence without charge to leave;
- d. Approve irregular and occasional overtime; and
- e. Make the determination that conditions exist which permit restoration of annual leave under the provisions of Section 6304 of Title 5, United States Code.

2. This delegation does not include authority to authorize or recommend additional compensation on an annual basis for special types of assignments as authorized under Civil Service Regulations 550.141 and 550.151. This authority will be exercised on a Department-wide basis by the Deputy Assistant Secretary for Personnel and Training.

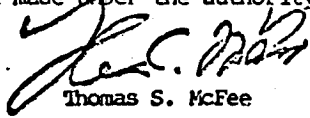
3. Requirements and instructions for exercising this authority are contained in Instruction 250-11, HEW Personnel Manual.



SAMPLE

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of Education

- Effective Date → 4. This delegation is effective immediately. The authorities cited in paragraph 1.a., b., c., and d. above may be redelegated and further redelegation authorized.
- Redelegation Authority → 5. The authority cited in paragraph 1.e. above may be redelegated and further redelegation made only as follows:
- a. For headquarters employees, redelegations may be made to officials not lower than two organizational levels below the addressee.
 - b. An official to whom this authority is redelegated may not exercise the authority if he/she is in the immediate organizational unit affected by the exigency or his/her leave would be affected by the decision. In such cases the authority shall be exercised only by the addressee.
- Delegations Suspended,
Cancelled or
Revised → 6. This delegation supersedes all previous delegations of authority to grant leave, excuse absence, approve overtime, and approve the restoration of annual leave to the Director, National Institute of Education. However, existing redelegations made under those previous delegations will continue in effect until new redelegations are made under the authority of this memorandum.

Signature of Delegating Official → 
Thomas S. McFee

