



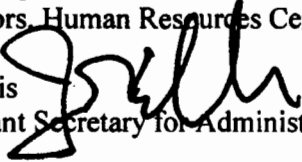
DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

OCT - 4 2006

Assistant Secretary for Administration and Management
Washington, D.C. 20201

TO: Operating Division Heads
Inspector General
Assistant Secretary for Public Health Emergency Preparedness
Deputy Assistant Secretary for Human Resources
HHS Regional Directors
Directors, Human Resources Center and Offices (HR Directors)

FROM: Joe Ellis 
Assistant Secretary for Administration and Management

SUBJECT: Delegation of Authority to Administer the Oath of Office

This memorandum transmits HHS updated policy and delegation of authority relating to the "Oath of Office." On September 8, 2006, the Secretary granted the Assistant Secretary for Administration and Management authority to administer the "Oath of Office," with authority to redelegate.

After the hurricane season last fall, we reviewed our existing policy and delegation relating to administering the "Oath of Office" for HHS civilian employees. At that time, we recognized that it needed to be updated to address future emergencies and to ensure that it provides the human resources staff the necessary authority to implement their responsibilities. The attached documents provide more detailed information regarding this delegation. In general, it grants:

- o The Assistant Secretary for Public Health Emergency Preparedness and the Deputy Assistant Secretary for Human Resources authority for all HHS civilian employees.
- o The OPDIV Heads and the Inspector General authority for their employees.
- o The HR Directors authority to carry out their day-to-day responsibilities.
- o The Regional Directors, and all of the addressees, authority to administer the "Oath of Office" to any HHS civilian employee, or to redelegate this authority to an HHS employee during a declared emergency.

If you or your staff have any questions regarding this delegation of authority, please have them contact Hazel M. Cameron at 202-619-3658 or at Hazel.Cameron@hhs.gov.

Attachments

Tab A - Redlegation Memorandum

Tab B - Policy Document

cc: STAFFDIV Heads
Director, Intergovernmental Affairs



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Assistant Secretary for Administration and Management
Washington, D.C. 20201

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Inspector General
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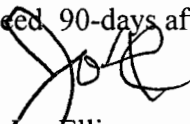
SUBJECT: Delegation of Authority to Administer the Oath of Office

1. Pursuant to the delegation of authority memorandum, dated September 8, 2006, I hereby delegate to you the authority, under 5 U.S.C. § 2903(b), and for purposes of 5 U.S.C. § 3331, to administer the Oath of Office incident to entrance into the executive branch or any other oath required by law in connection with employment in the executive branch. This authority may be exercised with respect to all types of appointments or work schedules, and is to be exercised on or before the date on which employees report for duty, as required by 5 U.S.C. § 3331 et. seq.
2. The Oath of Office, by its terms, is to be taken by an individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services.
3. This authority may be redelegated, but only as follows:
 - a. The Assistant Secretary for Public Health Emergency Preparedness and the Deputy Assistant Secretary for Human Resources may designate, in writing, specific positions within HHS, the incumbents of which are authorized to administer the Oath of Office.
 - b. Operating Division Heads and the Inspector General may designate, in writing, specific positions under their authority, the incumbents of which are authorized to administer the Oath of Office.
 - c. The HR Directors may designate, in writing, specific positions within the Human Resources Centers/Offices, the incumbents of which are authorized to administer the Oath of Office.
 - d. The HR Directors may also designate, in writing, specific positions (under their appointing authority) outside the human resources office, the incumbents of which are authorized to administer the Oath of Office. This authority is limited to positions in offices which induct new employees as a result of geographical separation from personnel offices.

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- e. In the event of a major disaster or emergency declared by the President pursuant to the Stafford Act or a public health emergency declared by the Secretary pursuant to the Public Health Service Act, the Regional Directors and all other addressees may also designate, in writing, specific positions or individual employees within HHS, the incumbents of which are authorized to administer the Oath of Office. This authority can be exercised only with respect to appointments made in response to declared public health emergencies.
4. The Oath of Office may be administered only by an official with designated authority pursuant to this memorandum.
5. Requirements and instructions for exercising this authority with respect to civilian employees are included in the attached HHS Instruction, "Administering the Oath of Office and Appointment Affidavits." Requirements and instructions for exercising this authority with respect to Commissioned Corps officers are set forth in applicable Commissioned Corps instructions and policy.
6. This delegation is effective immediately.

Authority Superseded: This delegation supersedes HHS Personnel Instruction 296-3 and HHS Exhibit 296-3-A, dated August 31, 1984; and the memorandum dated March 25, 1997 to OPDIV Heads from the then, Assistant Secretary for Management and Budget, entitled "Delegation of Authority to Administer the Oath of Office." All existing redelegations of authority issued under previous Instructions or Delegations relating to the "Oath of Office and Appointment Affidavits" shall remain in effect for a period not to exceed 90-days after September 8, 2006.


Joe Ellis

Subject: ADMINISTERING OATH OF OFFICE AND APPOINTMENT AFFIDAVITS

- 10 Purpose and Authority
- 20 Coverage
- 30 References
- 40 Responsibilities
- 50 Appointment Affidavits and Declaration of Appointee

- Exhibit A Delegation of Authority Memorandum to Administer the Oath of Office from the Secretary, dated September 8, 2006
- Exhibit B Redelegation of Authority Memorandum to Administer the Oath of Office from the Assistant Secretary for Administration and Management
- Exhibit C Sample Delegation of Authority for the Oath of Office

10 PURPOSE AND AUTHORITY

This Instruction sets forth the Department's policies and procedures for the administration of the Oath of Office to new Department civilian employees when, or before, they report for duty as required by Title 5, U.S.C. § 3331 for the Oath of Office; Title 5 U.S.C. § 3332 for the affidavit on purchase and sale of office; and Title 5 U.S.C. § 3333 for the affidavit on striking against the Federal Government. Attached at Tab

20 COVERAGE

This policy Instruction applies to the administration of the Oath of Office to all Department civilian employees, regardless of type of appointment or work schedule.

30 REFERENCES

- A. Title 5, U.S. Code § 2903 (law - authority to administer the Oath of Office)
- B. Title 5, U.S. Code § 3331 (law - Oath of Office)
- C. Title 5, U.S. Code §§ 3332 and 3333 (law - appointment affidavits)
- D. Title 5, U.S. Code § 7311 (law - loyalty and striking)

40 RESPONSIBILITIES

- A. The Assistant Secretary for Administration and Management (ASAM), Office of Human Resources is responsible for the update and maintenance of this policy. The ASAM is also responsible for designating Department officials to administer the Oath of Office to HHS civilian employees. (See Exhibit A, delegation from the Secretary to the ASAM, and Exhibit B, redelegation from the ASAM to HHS officials.)

- B. All department officials designated to administer the Oath of Office to new civilian employees, see Exhibit A, titled "Delegation of Authority to Administer the Oath of Office," under this delegation of authority are responsible for:
1. Administering the Oath of Office, orally, in a formal, dignified and impressive manner to the new employee, or allowing the new employee to read the Oath of Office silently;
 2. Crossing off the words in the Oath of Office, "swear" and/or "so help me God," if the new employee objects to them; and
 3. Ensuring the employee signs and dates in ink the Standard Form - 61 (SF- 61), Appointment Affidavits.
 4. Issuing redelegations in writing in memorandum format and signed by the delegating official. See Exhibit C, at the end of this Instruction for a sample delegation of authority to administer the "Oath of Office."
- C. Servicing human resources offices are responsible for:
1. providing the designated Department officials with instructions for administering the Oath of Office having employees complete the SF- 61;
 2. reviewing the SF- 61 for completeness; and
 3. filing the SF- 61 in the Official Personnel Folder of the new employee.
- D. New employees are responsible for reading, completing all questions, dating, and signing the SF- 61.

50 APPOINTMENT AFFIDAVITS AND DECLARATION OF APPOINTEE

- A. The SF- 61 consists of three parts.
1. The Oath of Office is an oath or affirmation to defend and support the Constitution of the United States. The Oath of Office will be administered to the new employee on or before the official entrance-on-duty date. Only in rare and unusual circumstances should the Oath of Office be administered after the first day of official duty. In such cases, the Oath of Office must be administered within the first pay period of the appointment.
 2. The affidavit as to striking against the Federal Government confirms that the new employee is not currently striking and will not strike against the Government.

3. The affidavit as to purchase and sale of office confirms that the new employee has not received or made payment or promises of payment in securing the appointment.
- B. The date of appointment shown on the SF-61 will be the effective date shown on the SF-50, Notification of Personnel Action, for the appointment.
- C. The SF- 61 must be signed by the new employee on the date the Oath of Office is actually subscribed and sworn.
- D. If, for any reason, the new employee refuses to sign the SF- 61, the employee will not be permitted to render service, and the appointment will be cancelled immediately.
- E. The new employee must complete the SF- 61 before entrance on duty. Only in rare and unusual circumstances should the Oath of Office be administered after the first day of official duty. In such cases, the Oath of Office must be administered within the first pay period of the appointment. Servicing personnel offices must review the SF- 61.
- F. The SF- 61 must be completed by all new employees. Aliens may meet the SF- 61 requirement by executing Part B of the Affidavits. (See U.S. Office of Personnel Management Operating Manual Update, Subchapter 4, Subparagraph 4-3 (October 1, 2000)).



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

SEP - 8 2006

TO: Deputy Secretary
Assistant Secretary for Health
Assistant Secretary for Administration and Management

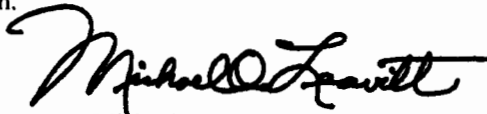
SUBJECT: Delegation of Authority to Administer the Oath of Office

1. Pursuant to 5 U.S.C. § 2903(b), and for purposes of 5 U.S.C. § 3331, I hereby delegate to you the authority to administer the Oath of Office incident to entrance into the executive branch or any other oath required by law in connection with employment in the executive branch. This authority may be exercised with respect to all types of appointments or work schedules, and is to be exercised on or before the date on which employees report for duty, as required by 5 U.S.C. § 3331 et. seq.
2. The Oath of Office, by its terms, is to be taken by an individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services.
3. This authority may be redelegated, but only as follows:
 - a. The Deputy Secretary and the Assistant Secretary for Administration and Management may designate, in writing, specific positions within HHS, the incumbents of which are authorized to administer the Oath of Office.
 - b. The Assistant Secretary for Health may designate, in writing, specific positions within the Commissioned Corps, the incumbents of which are authorized to administer the Oath of Office to appoint Commissioned Corps officers, as well as certain ranks of officers within the Commissioned Corps who are authorized to administer the Oath of Office to appoint Commissioned Corps officers.
 - c. In the event of a major disaster or emergency declared by the President pursuant to the Stafford Act or a public health emergency declared by the Secretary pursuant to the Public Health Service Act, you may also designate, in writing, specific positions or individual employees within HHS, the incumbents of which are authorized to administer the Oath of Office. This authority can be exercised only with respect to appointments made in response to declared public health emergencies.
4. The Oath of Office may be administered only by an official with designated authority pursuant to this memorandum.

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5. Requirements and instructions for exercising this authority with respect to civilian employees are included in the attached HHS Instruction, "Administering the Oath of Office and Appointment Affidavits." Requirements and instructions for exercising this authority with respect to Commissioned Corps officers are set forth in applicable Commissioned Corps instructions and policy.
6. This delegation is effective immediately.

Authority Superseded: This delegation supersedes HHS Personnel Instruction 296 -3 and HHS Exhibit 296-3-A, dated August 31, 1984; and the memorandum dated March 25, 1997, to OPDIV Heads from the then, Assistant Secretary for Management and Budget, entitled "Delegation of Authority to Administer the Oath of Office." All existing redelegations of authority issued under previous Instructions or Delegations relating to the "Oath of Office and Appointment Affidavits" shall remain in effect for a period not to exceed 90-days after the effective date of this delegation.



Michael O. Leavitt



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

OCT 4 2006

Assistant Secretary for Administration and Management
Washington, D.C. 20201

TO: Operating Division Heads
Inspector General
Assistant Secretary for Public Health Emergency Preparedness
Deputy Assistant Secretary for Human Resources
Regional Directors
Director, Human Resources Centers and Offices (HR Directors)

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 - a. The Assistant Secretary for Public Health Emergency Preparedness and the Deputy Assistant Secretary for Human Resources may designate, in writing, specific positions within HHS, the incumbents of which are authorized to administer the Oath of Office.
 - b. Operating Division Heads and the Inspector General may designate, in writing, specific positions under their authority, the incumbents of which are authorized to administer the Oath of Office.
 - c. The HR Directors may designate, in writing, specific positions within the Human Resources Centers/Offices, the incumbents of which are authorized to administer the Oath of Office.
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Joe Ellis

Department/OPDIV/STAFFDIV Official Letterhead

TO: Addressee

FROM: John Greene
Director, Soda Pop Industry

SUBJECT: Delegation of Authority to Administer the Oath of Office

Under the authority vested in me by memorandum from the Secretary dated XXX, 11, 2006, I hereby delegate to you the authority to administer the oath of office required by 5 U.S.C. § 3331.

This delegation is effective and may be administered only for appointments made in response to a major disaster or emergency declared by the President pursuant to the Stafford Act or a public health emergency declared by the Secretary pursuant to the Public Health Service Act (state specific instance.)

This delegation must be implemented in accordance with the attached Department policy, entitled "Administering the Oath of Office and Appointment Affidavits," dated XXX, XX, 2006.

Attachment
OHR Policy on Administering the Oath of Office