



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, D.C. 20350

32 PAGES

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IN REPLY REFER TO

OPNAVINST 12300.3
Op-141F

5 FEB 1981

ND

OPNAV INSTRUCTION 12300.3

Subj: Delegation of civilian personnel authorities through
delegation agreement

Ref: (a) FPM BTN 300-52 of 2 May 79
(b) DASD(CPP) Memo of 13 Jun 80 (NOTAL)
(c) DASD(CPP) Memo of 7 Oct 80 (NOTAL)

Encl: (1) SECNAV Memo for the Chief of Naval Operations of
19 Jan 81 (less enclosures)
(2) Delegation Agreement between the Department of Defense
and Office of Personnel Management
(3) Civilian Personnel Authorities to be Exercised by the
Special Assistant for Civilian Personnel/Equal
Employment Opportunity
(4) Delegation of Civilian Personnel Authorities to Navy
Officials

1. Purpose. To implement Secretary of the Navy (SECNAV) policy
on decentralization of civilian personnel authorities through
delegation agreement and to delegate such authorities to specified
management levels.

2. Background

a. Reference (a) listed 24 personnel authorities which could
be delegated on an agency-by-agency basis through written agree-
ments developed between agency headquarters offices and the Office
of Personnel Management (OPM). Reference (a) further specified
that delegation agreements would describe the conditions of such
delegated authority, the performance standards, and oversight
systems to be used by agencies and OPM in monitoring the
authority.

b. The Office of the Secretary of Defense advised, by
reference (b), that a delegation agreement had been negotiated
with OPM. The agreement covers ten personnel authorities that may
be exercised by the Department of Defense (DOD). Reference (b)
also redelegated the ten authorities to the heads of defense
components and specified the lowest approval level. Reference (c)
provided revisions to the basic delegation agreement, including an
addendum which added an authority. By enclosure (1), several of
the authorities were redelegated to the Chief of Naval Operations
with provisions for further delegation to specified levels.

SEP 9 1981

3. Discussion

a. The Director, OPM has authorized the delegation of the authorities listed herein with the understanding that they will be judiciously used, consistent with the letter and intent of the controlling regulations. Sound use of these authorities should assist in expediting processing of personnel actions which previously required several levels of review and approval. Use of these authorities should also positively contribute to achievement of the SECNAV objective to reduce the time needed to fill civilian vacancies.

b. The delegation agreement between DOD and OPM, enclosure (2), will extend for a period not to exceed 13 June 1982. Through agreement between both organizations, the agreement may be modified, suspended, or terminated at any time until the expiration date. At least 60 days prior to the expiration date, OPM will conduct a final evaluation of the use of the delegated authorities to determine the appropriateness of renewing the agreement. Until the final evaluation, OPM and the Department of the Navy (DON) will monitor and evaluate use of the agreement through various means, including the personnel management evaluation program.

4. Delegation

a. Authorities listed in enclosure (3) are being retained at the Secretarial level and will be exercised by the Special Assistant for Civilian Personnel/Equal Employment Opportunity (SACP/EEO) or his designee. Requests for approval of use of these authorities should be submitted via the chain of command to: Special Assistant for Civilian Personnel/Equal Employment Opportunity, Department of the Navy, Washington, D.C. 20350.

b. Authorities listed in enclosure (4) are delegated, through the chain of command, to the specified Navy officials or their designees. For the purpose of authorities covered by Section B of enclosure (4), heads of Navy major commands are defined as follows: The Assistant for Administration, Office of the Under Secretary of the Navy, for the Staff Offices of the Secretary; the Assistant Vice Chief of Naval Operations/Director of Naval Administration for those shore activities and units (other than major claimants) that report directly to the Chief of Naval Operations (CNO); all echelon II commanders (major claimants) under CNO; the Chief of Naval Research; and under the Chief of Naval Material, the commanders of the systems commands. Actions within the major command headquarters require approval of the immediate superior in command. Officials authorized to act on authorities listed in Section C of enclosure (4) may further delegate the specified authorities to directors of servicing civilian personnel offices.

c. Superiors in the chain of command may revoke and redelegate the authorities listed in enclosure (4) to a subordinate, as long as the redelegation is to a level no lower

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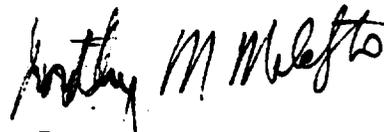
than the original delegation. In accordance with Section IIh of enclosure (2), OPM must be notified of revocation of authorities resulting from failure to administer the authority properly. A copy of that notification must be provided to SACP/EEO.

5. Action

a. Officials holding delegated authorities, and their superiors in the chain of command, are responsible for effecting all personnel actions under the delegated authorities in conformance with merit principles, equal employment and affirmative action guidelines, labor-management policies and other applicable personnel regulations and policies. Officials holding delegated authorities must also assure that the authorities are acted on under the conditions specified in Section III of enclosure (2). The minimum records for each action taken, as specified in Section IIc of enclosure (2), must also be maintained by the approving and requesting authorities, and available for audit/review for at least two years after the action.

b. Officials responsible for conducting the Department of the Navy Personnel Management Evaluation Program will comply with requirements of Section IIg of enclosure (2). Besides copies required by that section, a copy of the results of each internal evaluation covering the authorities contained herein, including any required corrective action, is to be provided to the SACP/EEO and to the appropriate headquarters command.

6. Reports. Officials holding delegated authorities must submit annual reports, as required by Section III of enclosure (2). Required annual reports must be submitted through the chain of command to the heads of Navy major commands, as appropriate. The heads of Navy major commands are to submit a consolidated report, covering authorities acted on by their organizations and subordinate activities, to the SACP/EEO. The first annual consolidated report must be received by the SACP/EEO no later than 1 May 1981. The second annual consolidated report must be received by the SACP/EEO no later than 1 March 1982. Report Control Symbol OPNAV 12300-3 is assigned to these reports. The reporting requirement is cancelled on 1 March 1982.



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DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20350

OPNAVINST 12300.3

5 FEB 1981

19 JAN 1981

MEMORANDUM FOR THE CHIEF OF NAVAL OPERATIONS

Subj: Decentralization of Personnel Authorities

Ref: (a) DASD (CPP) memo of 13 Jun 80 (NOTAL)
(b) DASD (CPP) memo of 7 Oct 80 (NOTAL)

Encl: (1) Delegation Agreement between the Department of Defense and Office of Personnel Management
(2) Civilian Personnel Authorities to be Exercised by the Special Assistant for Civilian Personnel/Equal Employment Opportunity
(3) Delegation of Civilian Personnel Authorities to the Chief of Naval Operations

The Office of Personnel Management (OPM) has made 25 civilian personnel authorities available for delegation through written agreement between agency headquarters offices and OPM. The Office of the Secretary of Defense advised, by reference (a), that a delegation agreement had been negotiated with OPM for ten personnel authorities. Reference (a) also redelegated the authorities to heads of defense components and specified the lowest approval level. Reference (b) provided revisions to the basic delegation agreement, including the addition of an eleventh authority. Enclosure (1) is a copy of the revised delegation agreement which will extend for a period not to exceed 13 June 1982.

Authorities listed in enclosure (2) are being retained at the Secretarial level. They will be exercised by the Special Assistant for Civilian Personnel/Equal Employment Opportunity (SACP/EEO) or his designee.

Authorities listed in enclosure (3) are hereby delegated and may be further delegated to levels no lower than those prescribed. The authorities listed in enclosure (3) may be revoked and redelegated, as long as the redelegation is to a level no lower than the original delegation. OPM must be notified of revocation of authorities resulting from failure to properly administer, as specified in Section IIg of enclosure (1). A copy of such notification is to be provided

Enclosure (1)

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Subj: Decentralization of Personnel Authorities

to SACP/EEO. Delegated authorities must be exercised in a manner consistent with applicable laws and regulations.

Reports, required by Section III of enclosure (1), must be submitted to the SACP/EEO. The first annual report must be received by SACP/EEO not later than 1 May 1981. The second annual consolidated report must be received by SACP/EEO no later than 1 March 1982.



J. A. DOYLE
Assistant Secretary of the Navy
(Manpower, Reserve Affairs + Logistics)

OPNAVINST 12300.3

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DELEGATION AGREEMENT

BETWEEN

DEPARTMENT OF DEFENSE AND OFFICE OF PERSONNEL MANAGEMENT

Enclosure (2)

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DEPARTMENT OF DEFENSE (DOD)
DELEGATION AGREEMENT

INTRODUCTION

This agreement between the Office of Personnel Management (OPM) and the Department of Defense (DoD) authorizes DoD to administer those authorities specified in Section III of this agreement which were previously reserved to OPM. This agreement will extend for 2 years from the date of signature by representatives of OPM and DoD. It may be modified, suspended, or terminated at any time during the 2-year period as indicated in Sections I and II. The authorities may be redelegated to heads of major DoD Components with further delegation permitted only as authorized in Section III. Heads of major DoD Components for this purpose include the Secretaries of the Military Departments; Directors of Defense Agencies; Director, Washington Headquarters Services; President, Uniformed Services University of the Health Sciences; and Chief, National Guard Bureau. As used in this agreement, "attached operating agency" means the Field Operating Agency (FOA) responsible for performing civilian personnel operational functions in support of a major DoD Component Headquarters, e.g., Department of the Army's Civilian Personnel Center (CIVPERCEN).

OPM and DoD agree to the provisions described below.

Section I. Office of Personnel Management Responsibilities

The Office of Personnel Management will:

- a. provide written guidance and assist DoD in carrying out its responsibilities under the applicable statute containing personnel authorities to be delegated;
- b. provide technical assistance (including but not limited to training, consultation, and staff assistance) to DoD officials assigned responsibility under this agreement;
- c. monitor and evaluate agency performance through the use of:
 1. agreed upon standards of performance, where appropriate;
 2. reports prepared by major Defense Components;
 3. data from OPM's Central Personnel Data File (CPDF), where available;
 4. OPM on-site general personnel evaluations, special evaluation studies, etc.; and
 5. other data (e.g., employee, Congressional or union input).
- d. in appropriate situations, temporarily suspend, restrict or otherwise modify or revoke any or all of the authorities. Normally, errors in judgment or technical application will not be cause for suspension or revocation except when a pattern of error conclusively demonstrates responsible DoD officials are unable to manage these delegations successfully. Misuse of the delegations, which abrogates the spirit and intent of merit

principles (including affirmative action programs), will be cause for immediate suspension or revocation.

- e. act on DoD recommendations for modification, suspension or termination of this agreement with 30 days' advanced written notice;
- f. approve DoD recommendations for redelegations to subordinate organizational levels other than those authorized in Section III; and
- g. request annual reports on use of the authorities.

Section II. DoD Responsibilities

DoD will ensure that Components to which the authority is redelegated will:

- a. provide sufficient staff resources to administer the delegations effectively and efficiently;
- b. effect all personnel actions taken under this agreement in conformance with merit principles, equal employment and affirmative action guidelines, labor-management policies and other applicable personnel regulations and policies;
- c. keep the following minimum personnel records for each action taken under Section III - Specific Authorities Delegated - and have them available for at least 2 years:
 - 1. type of action;
 - 2. processing time (date request (generally SF-52) received in personnel office to date request officially approved, disapproved, or returned);
 - 3. name of person who authorized the final action
 - 4. date of the decision;
 - 5. a brief statement setting forth the rationale for the decision.

Assure that negotiations or consultations, as appropriate, occur with recognized labor organizations.

These records must be available individually or in aggregate to OPM at any time the Office may request such records. The agency may dispose of the records in accordance with General Records Schedule No.1, Item 3a."

consolidate and submit annual reports to OPM, as outlined in Section III, for some of the delegated authorities. To allow time for final evaluation prior to renewal of this agreement,

the second annual report will be submitted at least 60 days before expiration of this delegation agreement to the Assistant Director for National Security and International Affairs. Reports will be submitted directly to OPM by the major DoD Components with a copy furnished to the Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy);

- f. provide training, as needed, for management and staff personnel with responsibility for these delegations;
- g. conduct an internal personnel management evaluation program that includes a general evaluation of the use of these authorities and provides for any specific reports which may be required. Those DoD Components which do not have a formal personnel management evaluation system, but have subordinate field activities with personnel management authority (including authority under Section III), will assure that these authorities are being exercised in conformance with established policies and regulations;

The results of the internal evaluations will be reported directly to the Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

Necessary corrective actions will be taken. The preparing DoD Component will forward a copy of such reports, including corrective actions, to the Compliance Branch, Washington Operations Division, Agency Compliance and Evaluation.

- h. revoke an authority delegated to an activity for failing to administer the authority properly and notify OPM in writing within 30 days.

DoD may recommend, at its discretion, modification, suspension or termination of this agreement at any time. Recommendations for modification, suspension or termination, if approved, will be effective with 30 days' advanced written notice.

Section III. Specific Authorities to be Delegated and Conditions of Delegations

Authorities Delegated:

- a. Waiver of Time-in-Grade Requirements (5 CFR, Part 300, Subpart F):

Delegation

Heads of major DoD Components may waive the time-in-grade restrictions based on a determination of either hardship to the agency or inequity to the employee. The authority

may be redelegated to the DoD Component Director of Civilian Personnel or his/her designee, but may not be exercised below the major Component headquarters (or attached operating agency) level. Waivers under this authority may total no more than three grades for one employee during any one service year. Generally waivers will be limited to no more than one grade beyond the maximum advancement an employee could have attained under existing regulations during any one service year. Except in unusual cases of extreme hardship or inequity, waivers of three grades will not be granted. Waivers of qualifications in promotion actions will continue to require OPM prior approval.

Evaluation

Major DoD Components with formal personnel management evaluation systems will cover use of this authority as part of each activity full-scale review.

Evaluation Considerations

- o Are assurances made that candidates for waiver also meet any applicable qualification requirements?
- o Is there evidence that waivers consistently are approved immediately following an employee's completion of the "90 days after competitive appointment" provision?
- o Are waivers consistently approved for a certain type of position, e.g., a shortage category position?
- o Has there been any overall average grade escalation resulting from use of waivers of the time-in-grade restrictions?
- o Have 3 grade waivers routinely been approved for particular occupations or grade levels?
- o Have waivers been approved shortly after an employee's promotion under the regulations, producing a 4 or more grade increase within a few months?
- o Have Components negotiated or consulted, as appropriate, with recognized labor organizations on the application of this authority in the Components?

Reports

One year after execution of this agreement and at the conclusion of each 12-month period thereafter, major DoD Components will report the information below to OPM. (NOTE: In accordance with Item d., Section II, the second annual report will be submitted at least 60 days before expiration of this agreement to the Assistant Director for National Security and International Affairs, OPM.) A copy of the report will be furnished to the Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

- o the number of actions taken under the authority;
 - o significant problems encountered with use of the authority, if any; and
 - o benefits, if any, derived from the delegation.
- b. Rare Bird (E.O. 10577) CS Rule 3.2) and 5 CFR 316.601)

Delegation

Heads of major DoD Components may authorize appointments without benefit of competitive examination when the duties and compensation of the position are such, or qualified persons are so rare, that in the interest of good civil service administration the position cannot be filled through open competitive examination and the person to be appointed meets all applicable qualification requirements for the position. The authority may be redelegated to the DoD Component Director of Civilian Personnel or his/her designee, but may not be exercised below the major Component headquarters (or attached operating agency) level. Such authority applies to positions at the GS-15 level and below, and is limited to positions which are unique to the DoD Component or are of a one-of-a-kind nature.

Evaluation

Major DoD Components with formal personnel management evaluation systems will cover use of this authority as part of each activity full-scale review.

Evaluation Considerations

- o Is there evidence of a sudden, marked increase in the use of this authority?
- o Is it clear that the position should be filled through use of a Rare Bird appointment rather than through an appointment under Schedule A? This is particularly crucial since the language in Rule III, Section 3.2 is so similar to the language governing use of the Schedule A authority and since many times an agency has a Schedule A situation rather than a Rare Bird situation.
- o Do requests for conversion of employees appointed under this authority to competitive status (which must still be approved by OPM) suggest that the authority is being used to circumvent competitive appointment procedures?

Reports

One year after execution of this agreement and at the conclusion of each 12-month period thereafter, major DoD Components will report the information below to OPM.

(NOTE: In accordance with Item d., Section II, the second annual report will be submitted at least 60 days before expiration of this agreement to the Assistant Director for National Security and International Affairs, OPM.) A copy of the report will be furnished to the Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

- o the number of actions taken under the authority;
 - o significant problems encountered with use of the authority, if any;
 - o the titles, series, grade levels, and duty locations of the authorized positions; and
 - o benefits, if any, derived from the delegation.
- c. Bringing Excepted Positions or Units of Public or Private Enterprise into the Competitive Service (5 CFR 316.701 and 316.702)

Delegation

Heads of major DoD Components may determine that the Federal government has taken over a public or private enterprise or an identifiable unit thereof, and that a position has thereby been brought into the competitive service along with its incumbent. The authority may be redelegated to the DoD Component Director of Civilian Personnel or his/her designee, but may not be exercised below the major Component headquarters (or attached operating agency) level. Such delegation under this agreement does not include authority to take over revoked, excepted service positions, i.e., positions under Schedule A, B or C or positions for which statutory appointing authority still exists except when such a takeover is specifically required by the statute.

Evaluation

Major DoD Components with formal personnel management evaluation systems will cover use of this authority as part of each activity full-scale review.

Evaluation Considerations

- o Has there been any evidence that, after an agency has taken over positions, it returns to filling them on a contract basis, etc., thereby negating the original reasons for bringing them into the competitive service?
- o Aliens occupying status quo positions cannot be converted to positions in the competitive service. Has there been any indication that this has happened?

- o What has happened to status quo employees after takeover?

Reports

One year after execution of this agreement and at the conclusion of each 12-month period thereafter, major DoD Components will report the information below to OPM.

(NOTE: In accordance with Item d., Section II, the second annual report will be submitted at least 60 days before expiration of this agreement to the Assistant Director for National Security and International Affairs, OPM.) A copy of the report will be furnished to the Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

- o the number of actions taken under the authority;
 - o significant problems encountered with use of the authority, if any; and
 - o benefits, if any, derived from the delegation.
- d. Advanced In-Hiring Rates Based on Superior Qualifications (5 USC 5333(a) and 5 CFR 531.203(b)).

Delegation

Heads of major DoD Components may authorize an appointment to a position in grade 11 or above of the General Schedule at a rate above the minimum rate of the appropriate grade under authority of Section 5333, Title 5, USC, because of the superior qualifications of the candidate. The authority may be redelegated as deemed appropriate, but may not be exercised at a level below the activity appointing officer or his/her designee. Where special need of the Government is involved, approval may be redelegated to the DoD Component Director of Civilian Personnel or his/her designee, but may not be exercised below the major Components headquarters (or attached operating agency) level. Under this delegation not more than \$5,000 above the candidate's current actual earnings will be approved as the in-hire rate, except that, in special need cases, the approved rate may exceed actual earnings by \$5,000 or 17 percent (whichever is higher). Actual earnings for this purpose include: the candidate's salary from his/her present position and from any outside employment which forms a regular, continuing portion of the candidate's total income and which the candidate will not be able to continue as a Federal employee; bonuses received on a regular basis; current firm offers of salary increase or other employment; and fringe benefits which are substantially superior to those offered by the government. Actual earnings do not include: projected or "annualized"

earnings; earnings from a single contract or consulting assignment which are significantly higher than the candidate's previous pay or other current offers; or income, such as military retired pay forfeited under the dual compensation law which the agency is barred from matching by law or Executive Order.

Evaluation

Major DoD Components with formal personnel management evaluation systems will cover use of this authority as part of each activity full-scale review

Evaluation Considerations

- o Has a "double standard" pattern developed, i.e., is use of the superior qualifications authority most heavy for candidates being hired for political positions, i.e., positions in Schedule C?
- o Did such a pattern develop during the transition period from one Presidential administration to another (which would not be out of the ordinary) but then continue on long after the transition was completed?
- o Has heavy use of the authority to bring new employees on-board had an adverse impact on the morale of current employees?
- o Has a pattern of selecting lower ranked candidates from competitive certificates or merit promotion certificates developed? If so, is there adequate documentation why such action was justified?
- o Is there evidence that advanced rates are being approved under the delegation agreement to circumvent other restrictions, such as the reduction-in-retired-pay provisions of 5 USC 5532 or Appropriations Act restrictions on use of appropriated funds?
- o Do actions taken under the delegation agreement conform to the instructions contained in FPM Chapter 338, Subchapter 7?

Reports

One year after execution of the agreement and at the conclusion of each 12-month period thereafter, major DoD Components will report the information below to OPM. (NOTE: In accordance with Item d., Section II, the second annual report will be submitted at least 60 days before expiration of this agreement to the Assistant Director for National Security and International Affairs, OPM.) A copy of the report will be furnished to the Office of the Deputy Assistant Secretary of

Defense (Civilian Personnel Policy).

- o the number of actions taken under the authority;
 - o significant problems encountered with use of the authority, if any; and
 - o benefits, if any, derived from the delegation.
- e. Payment for Travel and Transportation to First Post of Duty (5 USC 5723)

Delegation

Heads of major DoD Components may determine that a shortage of eligibles exists, either on a continuing or single, self-canceling basis, for positions for which that Component is the sole or predominant user. The authority may be re-delegated to the DoD Component Director of Civilian Personnel or his/her designee, but may not be exercised below the major Component headquarters (or attached operating agency) level. A "sole or predominant" user Component would be one which employs at least 75 percent or more of the positions in the geographical area covered, according to current employment figures. Under this authority, appointees' travel and transportation expenses from their residences at the time of selection to the first post of duty may be paid. The Inservice Placement Branch of Staffing Services, OPM, will be notified whenever payment is granted for a particular type of position on a continuing basis so that the office may list that position in Appendix A of FPM Chapter 571. This will enable other agencies to pay travel and transportation costs for similar jobs, thereby ensuring the equalization of recruitment opportunity between all agencies. Additionally, officials exercising this authority may determine, for positions at the GS-14 and 15 levels, that a shortage of eligibles exists for single, self-canceling positions even when the Defense organization is not the sole or predominant user of the series.

Evaluation

Major DoD Components with formal personnel management evaluation systems will cover use of this authority as part of each activity full-scale review.

Evaluation Considerations

- o Are travel and transportation costs routinely being paid without first doing adequate recruiting?
- o Is there a systematic review process to assure that positions continue to belong in a shortage category listing?

- o Is OPM advised whenever a shortage of eligibles determination is made for a particular type of position on a continuing basis?

Reports

One year after execution of this agreement and at the conclusion of each 12-month period thereafter, major DoD Components will report the information below to OPM. (NOTE: In accordance with Item d., Section I, the second annual report will be submitted at least 60 days before expiration of this agreement to the Assistant Director for National Security and International Affairs, OPM.) A copy of the report will be furnished to the Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

- o the number of actions taken under the authority;
 - o the titles, series, grade levels, and duty locations of "one-time" positions on which action was authorized;
 - o significant problems encountered with use of the authority, if any, and
 - o benefits, if any, derived from the delegation.
- f. Payment of Travel for Interview at GS-13 and below (CG Decision B106116 and FPM Chapter 571, Subchapter 1)

Delegation

Heads of major DoD Components may determine that a position in the competitive service is so unique in terms of its duties, responsibilities and/or performance requirements that a preemployment interview is necessary for a final determination of applicants' qualifications. The authority may be redelegated, as deemed appropriate, but may not be exercised at a level below the major command Director of Civilian Personnel or his/her designee. Once such a determination has been made, the preemployment interview expenses of the candidates may be paid. This authority may be used only in accordance with the standards provided in Subchapter 1 of Chapter 571 of the FPM. It is authorized only for positions at the GS-10 through GS-13 grade levels, and is not to be used for entry-level positions except in rare cases, as provided for in the Comptroller General Decision B106116, e.g., a research scientist with a Ph.D.

Evaluation

Major Dod Components with formal personnel management evaluation systems will cover this as part of each activity full-scale review.

Reports

One year after execution of this agreement and at the conclusion of each 12-month period thereafter, major DoD Components will report the information below to OPM.

(NOTE: In accordance with Item d., Section II, the second annual report will be submitted to the Assistant Director for National Security and International Affairs, OPM.) A copy of the report will be furnished to the Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

- o the number of actions taken under the authority;
 - o titles, series and grades of positions for which travel was approved;
 - o significant problems encountered with use of the authority, if any; and
 - o benefits, if any, derived from the delegation.
- g. Training Agreements (FPM Chapter 271)

Delegation

Heads of major DoD Components may develop and implement plans under which intensive training is to be used as a substitute for normal qualification standards requirements, including time-in-grade requirements. The authority may be redelegated, as deemed appropriate, but may not be exercised at a level below the major command Civilian Personnel Director or his/her designee. Exercise of this authority is subject to the following conditions:

- o the training agreement may not be a vehicle for moving temporary or excepted employees into career or career-conditional positions unless proper authority (e.g., VRA, Executive Order, reinstatement eligibility) exists for such assignment (5 USC 3301, 3302, E.O. 10577);
- o the training agreement cannot impose any form of positive education requirements except those already required by the qualification standards governing the target positions, nor can the agreement constitute proper authority to waive such requirements when contained in the applicable standards for target or trainee positions (5 USC 3308, FPM 338);
- o the training agreement must conform to all requirements of FPM Chapter 271, Subchapter 7 and Appendix A; Federal Merit Promotion Policy (FPM Chapter 35); FPM Chapter 300, Subchapters 6 and 8; and the Uniform Guidelines for Employee Selection Procedures;

- o the training agreement must specify that at least 50% of training must be in the target occupation or directly related fields;
- o because entry into a formal training program at a lower grade is an involuntary action for pay purposes, but a voluntary action for merit promotion purposes, the training agreement may provide for pay retention for employees who accept downgrades into the training program, but may not provide for noncompetitive repromotion to their former grades for those who fail to complete the training satisfactorily (FPM 335);
- o the training agreement may be the basis for crediting qualifications or service at an accelerated rate only when making assignments to positions under the program; it may not provide accelerated credit for qualifications earned in training by anyone who leaves the program without reaching the target position;
- o the training agreement may not contain any elements which violate requirements of the Government Employees Training Act, the Fair Labor Standards Act, E.O. 11348, appropriation act provisions, or other applicable statutes or policies.
- o the training agreement may not provide for the movement of trainees to positions in the Senior Executive Service.

The above conditions and restrictions apply to all training agreements developed in accordance with this agreement. The following additional conditions apply to agreements which would authorize promotions as an exception to time-in-grade requirements. In these cases there must exist a clearly defined recruitment and/or retention problem which can be relieved through use of rapid promotional advancement. Also, training agreements which provide for accelerated promotions may not be used to permit consecutive promotions at an accelerated rate.

Fifty copies of training agreements approved with nation-wide coverage will be forwarded to OPM. For training programs approved on a local basis only, a copy will be submitted to the OPM regional office with jurisdiction over the activity.

Approval of any training agreement involving accelerated time-in-grade provisions must be accomplished by the DoD Component Director of Civilian Personnel or his/her designee and may not be delegated below the major Component headquarters (or attached operating agency) level. The same applies for any training agreement involving the substitution of training for qualifications which would have nation-wide coverage. Agreements involving the substitution

of training for qualifications in a specific geographic area under a major command with this delegated authority may be approved by the designated official in that major command.

Evaluation

Major DoD Components with formal personnel management evaluation systems will cover use of this authority as part of each activity full-scale review.

Evaluation Considerations

- o What is the relationship of the provisions of approved training agreements to other staffing programs of the agency?
 - o Has the agency clearly ascertained, prior to implementing a new training program, that there currently are no or not enough employees on board who already qualify for the target positions?
 - o Is there an unusually high "washout" rate?
 - o Have Components negotiated or consulted, as appropriate, with recognized labor organizations on the application of this authority in the Components?
- h. Agency Consultation on Classification Actions Affecting 20 or More Positions (FPM Chapter 511-A-4)

Delegation

Heads of major DoD Components need not seek prior OPM approval when classifying 20 or more substantially similar positions from one grade to another or between systems, e.g., between Federal Wage System and General Schedule. The authority may be redelegated, as deemed appropriate, but may not be exercised at a level below the activity appointing officer on his/her designee.

Evaluation

Major DoD Components with formal personnel management evaluation systems will cover classification changes of 20 or more substantially similar positions as part of each activity full-scale review.

Evaluation Considerations

- o Are affected positions properly classified?
- o Is there a pattern of misclassification in terms of title, series or grade?

- o How many positions are affected by the reclassification action?
- o Is the reclassification report complete?

Reports

Organizations exercising this authority will forward the following documentation to OPM, via the DoD Component Headquarters, when a classification decision changes 20 or more substantially similar positions from one grade to another or between systems:

- o position description(s)
- o evaluation statement(s)
- o organization chart(s)

The above documentation is to be sent to OPM, Agency Compliance and Evaluation, Advisory Services Branch, not later than 30 days after the classification decision is first put into effect. Records must be maintained for 2 years beginning with the effective date of the agreement.

- i. Establishing Smaller Competitive Areas in RIF (5 CFR 351.402(c))

Delegation

Heads of major DoD Components may approve establishment of smaller reduction-in-force competitive areas than are authorized under 5 CFR 351.402(c). The authority may be redelegated to the DoD Component Director of Civilian Personnel or his/her designee, but may not be exercised below the major Component headquarters (or attached operating agency) level.

Evaluation

Major DoD Components with formal personnel management evaluation systems will cover use of this authority as part of each activity full-scale review.

Evaluation Considerations

- o Has the basis for the decision been documented sufficiently to show that adequate competition was provided for and that the decision was not arbitrary or capricious? Is the competitive area smaller than the commuting area?
- o Have Components negotiated or consulted, as appropriate, with recognized labor organizations on the application of this authority in the Components?

Reports

On an "as needed" basis, OPM will call for information from the above organizations when OPM conducts an examination of a Defense organization's preparation for, or conduct of, a reduction in force.

- j. Exceptions to Prohibition on Payment of Premium Pay for Periods of Training (5 USC 4109(a)(1); 5 CFR 410.602(a); Section 401(a) of E.O. 11348)

Delegation

Heads of major DoD Components may grant exceptions to the general prohibition on premium pay for periods of training. The authority may be redelegated to the DoD Component Director of Civilian Personnel or his/her designee, but may not be exercised below the major Component headquarters (or attached operating agency) level. Instructions will be issued to field activities clearly indicating that this authority is to be used only: to prevent interruption of critical service to the public; to allow implementation of regulations or programs in the time periods imposed by law; to provide necessary training to employees in the operation of heavily-used, critical equipment during periods when the equipment is not in use; or to reduce the total cost to the government. In each instance where this exception authority is applied, the responsible DoD Component, within 5 days, will notify counterpart DoD Components to assure equal application to all students attending a DoD training facility. Offices delegated approval authority will retain a separate file recording each action approved under this authority.

Evaluation

Major DoD Components with formal personnel management evaluation systems will cover this as part of each activity full-scale review.

Evaluation Considerations

- o Is there a sound and fully documented basis for each exception?

Reports

- o On an "as needed" basis, OPM may call for documented justification for exceptions granted within the preceding 12 months.

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Assistant Director for National
Security and International Affairs
Agency Relations Group

William C. Valdes
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Secretary of Defense
Civilian Personnel Policy

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JUN 13 1980

ADDENDUM TO DEPARTMENT OF DEFENSE DELEGATION AGREEMENT *

The following item concerning term promotions is an addendum to the Delegation Agreement Between the Department of Defense and the Office of Personnel Management, dated June 13, 1980. This authority is designated as Item "k" and is subject to the same conditions, responsibilities and expiration date as outlined in the Introduction, Section I and Section II of the June 13, 1980 Agreement.

k. Term promotions (5 CFR Parts 335, 351, 432, 752 and 771).

Delegation

Heads of Major DoD Components may authorize term promotions of employees (1) assigned to positions, clearly of a project nature, established for time periods from two to four years, or (2) involved in planned rotational assignments for temporary periods in excess of two years but no more than four years in length. The authority may be redelegated as deemed appropriate, but may not be exercised at a level below the activity appointing officer or his/her designee. At the conclusion of the project or agreed upon period, the term promoted employee will be returned to his/her former position or one of equivalent pay and status. Such return actions will not be subject to the provisions of 5 Code of Federal Regulations (CFR) Parts 432 and 752 covering "return from," or "termination of" a specific project/assignment or conclusion of a specific rotation period. Likewise, the provisions of 5 CFR Parts 351 and 771 do not apply in such cases. The provisions of 5 CFR Parts 432 and 752 will continue to apply if the removal or change to lower grade is based on other reasons such as unacceptable performance or misconduct.

Documentation

Organizations exercising this authority will document the specific nature of each term promotion and provide to each affected employee a written notice, which will be agreed to by the employee, in writing, before the term promotion becomes effective. This notice will explain the temporary nature of the assignment and promotion. The employee notice also will inform each employee (1) that he/she will be returned to his/her original position, or one of equivalent pay and status, at the conclusion of the project or agreed upon period; and (2) that the return action will not be subject to procedures provided in 5 CFR Parts 432 or 752 and will not be grievable under Part 771.

* This addendum also modifies the basic DOD Delegation Agreement by (a) deleting from Section I, paragraph d, the phrase "the labor management and", (b) adding a new paragraph d to Section II, and (c) redesignating paragraphs d through g, Section II, as paragraphs e through h.

Evaluation

Major DoD Components with formal personnel management evaluation systems will cover use of this authority as part of each activity full-scale review.

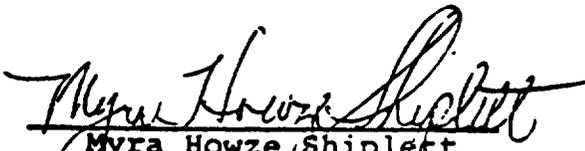
Evaluation Consideration

Are systematic reviews being made to assure term promotion assignments are truly of a project or rotational nature?

Reports

Not later than June 1, 1981, and at the conclusion of each 12-month period thereafter, Organizations exercising this authority will forward the information below to OPM, via the DoD Component Headquarters. Note: In accordance with Item d., Section II, the second annual report will be submitted at least 60 days before expiration of this agreement to the Assistant Director for National Security and International Affairs, OPM. A copy of the report will be furnished to the Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

- o The number of actions taken under this authority.
- o The number of employees returned to their former, or equivalent, positions prior to the originally specified termination dates.
- o Benefits derived from use of the authority, if any.
- o Significant problems associated with use of this authority, if any.


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Civilian Personnel Policy

SEP 26 1980

Civilian Personnel Authorities to be Exercised
by the Special Assistant for Civilian
Personnel/Equal Employment Opportunity

- . Bringing excepted positions or units of public or private enterprise into the competitive service (5 CFR 316.701 and 316.702). (See Section IIIc of enclosure (2).)
- . Payment for travel and transportation to first post of duty (5 USC 5723). (See Section IIIe of enclosure (2).)
- . Training agreements with nationwide coverage (FPM Chapter 271) - This authority provides for approval of training agreements, involving the substitution of training for qualifications and waiver of time-in-grade requirements, which would have nationwide coverage. (See Section IIIg of enclosure (2).)
- . Agency consultation on activity-initiated classification actions affecting 20 or more positions (FPM Chapter 511-A-4) - This authority provides for approval of activity-initiated classification actions affecting 20 or more substantially similar positions from one grade to another or between systems, e.g., between Federal Wage System and General Schedule. (See Section IIIh of enclosure (2).)
- . Establishing smaller competitive areas in reduction in force (5 CFR 351.402(c)). (See Section IIIi of enclosure (2).)
- . Exception to prohibition on payment of premium pay for periods of training (5 U.S.C. 4109(a)(1); 5 CFR 410.602(a); Section 401(a) of E.O. 11348). (See Section IIIj of enclosure (2).)

5 FEB 1981

Delegation of Civilian Personnel Authorities to Navy Officials

A. Authorities delegated to the Director, Naval Civilian Personnel Command.

- . Waiver of time-in-grade requirements (5 CFR, Part 300, Subpart F). (See Section IIIa of enclosure (2).) - This authority also covers waiver of time-in-grade requirements for positions in the excepted service. Cases which require waivers of both time-in-grade restrictions and qualifications in promotion actions require prior OPM Headquarters Office approval and must be submitted to the Director, Naval Civilian Personnel Command (NCPC). Such cases will be forwarded by NCPC to the Secretary of the Navy, for signature, prior to submission to OPM.
- . Rare-Bird (E.O. 10577, CS Rule 3.2 and 5 CFR 316.601). (See Section IIIb of enclosure (2).)
- . Advanced in-hiring rates based on superior qualifications in cases of special needs (5 USC 5333(a), 5 CFR 531.203(b) and FPM Letter 338-9) - Under this authority, in cases of special need, the approved rate may exceed actual earnings by \$5,000 or 17% (whichever is higher). (See Section IIIc of enclosure (2).)
- . Local-level training agreement, involving time-in-grade waiver (FPM Chapter 271; FPM Chapter 335; FPM Chapter 300, Subchapter 6 and 8; and the Uniform Guidelines for Employees Selection Procedures). (See Section IIIg of enclosure (2).)

B. Authorities delegated to heads of Navy major commands for subordinate activities or headquarters offices.

- . Payment of travel for interview at GS-13 and below level (CG Decision B106116 and FPM Chapter 571, Subchapter 1). (See Section IIIf of enclosure (2).)
- . Local-level training agreement not involving time-in-grade waiver (FPM Chapter 271; FPM Chapter 300, Subchapter 6 and 8; FPM Chapter 335; and the Uniform Guidelines for Employee Selection Procedures). (See Section IIIg of enclosure (2).)

C. Authorities delegated to heads of Navy activities and headquarters offices.

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- . Advanced in-hiring rates based on superior qualifications, for non-special needs cases (5 USC 5333(a), 5 CFR 531.203(b) and FPM Letter 338-9). (See Section IIIId of enclosure (2).)
- . Agency consultation on classification actions, resulting from new or revised OPM/DON standards affecting 20 or more positions (FPM Chapter 511-A-4) - This authority provides for approval of classification actions, affecting 20 or more positions, resulting from issuance of new or revised OPM or DON classification standards, DON interpretative memoranda or Reports of Significant Classification Actions. (See Section IIIh of enclosure (2).)
- . Term promotions (5 C.F.R. Parts 335, 351, 432, 752, and 771). (See Section IIIk of enclosure (2).) - This authority covers term promotion involving employees under cognizance of the approving official. Term promotions involving movements between DON activities must be submitted to the immediate superior in command of both activities for approval. When term promotions involve movement between DON activities, the releasing activity must hold the employee's position for his/her return upon completion of the project of assignment. Term promotions are not to be used for assignments to overseas areas. 5 CFR Part 536, covering grade and pay retention, is not applicable to return actions upon completion of the project or assignment.