

MEMORANDUM

TO: Inspector General

FROM: The Secretary

SUBJECT: Delegation and Assignment of Human Resources Authorities and Responsibilities

This memorandum establishes the delegation of human resources authorities, and assignment of related responsibilities, with respect to the operations of the Office of Inspector General (OIG) as it interacts and collaborates with the rest of the U.S. Department of Education (ED), including the Office of Finance and Operations (OFO). It is designed to provide effective operating authority to the Inspector General regarding staffing and classification functions while maintaining OIG independence. The OIG will establish an action plan and coordinate with OFO on the action plan in order to successfully implement the delegations and responsibilities described herein.

OIG operates as an independent and objective unit within ED to conduct and supervise audits, investigations, and other activities to promote the efficiency, effectiveness, and integrity of ED's programs and operations, and to prevent and detect fraud and abuse in such programs and operations, as provided in the Inspector General Act of 1978, as amended (IG Act). 5 United States Code (U.S.C.) app. 3 § 2. Under the IG Act, the Inspector General reports to and is under the general supervision of the Secretary. 5 U.S.C. app. 3 § 2(a). In addition, the IG Act creates a dual reporting obligation for IGs to keep both the Secretary and Congress fully and currently informed concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by the Agency, to recommend corrective action concerning such problems, abuses, and deficiencies, and to report on the progress made in implementing such corrective action, 5 U.S.C. app. 3 § 4(a)(5).

Pursuant to section 6(a)(7) of the IG Act, the Inspector General is authorized "to select, appoint and employ such officers and employees as may be necessary for carrying out the functions, powers and duties of the Office [of Inspector General] subject to the provisions of title 5, U.S.C., governing appointments in the competitive service, and the provision of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates." In enacting this provision, Congress recognized the need to provide OIG's personnel authority in order to prevent compromise of their operations and to ensure their independence. This delegation of authority supplements the authority granted to the Inspector General under the IG Act, under section 6(a)(7) and other provisions, and does not limit any of the authorities provided under the IG Act, including those relating to appointing and managing OIG members of the Senior Executive Service (SES).

Except as required by law and subject to the other provisions of this memorandum, OIG will be responsible and accountable for day-to-day implementation of personnel decisions and processes. In the exercise of these human resources functions, OIG will abide by all applicable laws, regulations, and Office of Personnel Management (OPM) policies and guidance. OIG will also follow departmental policies and guidance including specific personnel requirements (such as the ED Delegated Examining Standard Operating Procedure) necessary to comply with Department-wide initiatives, unless the policy is inconsistent with an IG Act provision, OIG policy, or OIG's independence, as determined by the Inspector General.

All official records, associated documentation, and human resources personnel actions, unless otherwise specified herein, shall be established, processed, and maintained by OIG. Also, as to OIG's actions taken under the delegations and authorities discussed herein, including any Pathways actions, OIG will conduct independent accountability evaluations consistent with 5 C.F.R. § 250.204(d)(5) and the OPM Delegated Examining Operations Handbook requirements. Evidence of such independent accountability evaluations and actions taken resulting from such evaluations shall be shared with the Office of Human Resources (OHR)/Human Capital Policy and Accountability Division upon completion.

I. DELEGATIONS:

By the authority vested in me by section 412 of the Department of Education Organization Act, 20 U.S.C. § 3472, I delegate to you, or anyone serving for you in an acting capacity or delegated to perform the functions and duties of your position, the authorities described below:

A. **Human Resources Operations**

1. The authority to appoint, promote, reassign, and realign General Schedule OIG employees under various authorities.
2. The authority to carry out Merit Promotion, excepted service, and competitive service hiring and promotions for OIG employees.
3. The authority to classify OIG positions in accordance with OPM standards, guides and policies, and to implement new classification and qualifications standards in accordance with OPM guidance.
4. The authority to authorize superior qualifications appointments and process Within Grade Increases for OIG applicants and employees.

Authorities Reserved for ED under this Section

1. OFO/OHR will retain Department-wide Pathways authority for the Presidential Management Fellows, Recent Graduates, and Student Intern programs. However, OIG will have the authority to appoint Pathways Student Interns and Recent Graduates, including posting vacancy announcements and determining qualification requirements for positions within OIG in coordination with OFO. OIG will have the

- authority to convert Pathways Student Interns and Recent Graduates in OIG non-competitively to term or permanent positions in the competitive service in coordination with OFO. All vacancy announcements, appointments, and conversions made within OIG shall comply with the requirements under an existing Memorandum of Understanding between the Secretary of Education and OPM regarding the Pathways authority. OFO retains the authority to determine eligibility to participate in the Pathways Students Interns and Recent Graduates programs, as well as the authority to review, sign, and maintain the participant agreements.
2. OFO/OHR will retain the authority to oversee and manage the Department-wide Selective Placement Program.
 3. OFO/OHR will retain the authority to oversee and manage the Reemployment and Priority Program.

B. Human Resources: Systems and Processing Records

1. The authority to establish, in coordination with OFO, and administer a separate OIG Servicing Personnel Office (SPO) account within the Federal Personnel Payroll System to process personnel transactions for OIG employees.
2. The authority to approve and sign Standard Form 50, *Notification of Personnel Action*, related to delegated personnel authorities for OIG employees. This includes coding, processing, and releasing.
3. The authority to maintain Official Personnel Folders (OPFs), e-OPFs and staffing case files for OIG personnel and actions, including creating, requesting, transferring, and purging these files.

Authorities Reserved for ED under this Section

OFO/OHR will retain Department-wide authority as the Human Resources IT System's Data Custodian.

II. RESERVATIONS

The OIG shall notify the Secretary (through OFO) in advance to the extent any actions under this delegation and assignment may raise cross-cutting issues, impose significant costs on the Department, or otherwise implicate an important Departmental interest.

The above delegations of Human Resources Authority shall remain in place unless terminated or modified by the Secretary.

III. REDELEGATIONS

To the extent legally permitted, you may redelegate the authorities provided herein in accordance with ACS directive, OM:1-102, and the Delegation to the Inspector General to Provide for Increased Independence for the Office of the Inspector General, EA/EF/197, dated July 25, 2013.

IV. CERTIFICATION AND EFFECTIVE DATE

This delegation is effective 30 days after certification by the Department's Principal Delegations Control Officer.

_____/s_____
Betsy DeVos

OGC Concurrence and Date _____ 2/7/2020 _____

Certified Date: 3/2/2020

Departmental Delegations Control Officer: Jim Clemmens

Control Number: EA/EF/205