

MEMORANDUM

TO: Chief Administration Officer

FROM: Chief Operating Officer

SUBJECT: Re-delegation of Human Resources Authority

Under the authority delegated to me by the Secretary of Education, in Delegation Control Number EA/EN/58 certified on January 9, 2006, I hereby redelegate to you, your successor in function, or anyone serving for you in an acting capacity or delegated the authority to perform the functions and duties of your position, Human Resources Authority with respect to the operations of Management Services of Federal Student Aid (FSA) as it interacts and collaborates with the rest of the Department of Education (ED or Department), including the Office of Finance and Operations (OFO) formerly the Office of Management. The authority being delegated to you includes the following:

1. The responsibility and accountability for day-to-day implementation of personnel decisions and processes. In the exercise of these human resources functions, you will abide by all applicable laws, regulations, collective bargaining agreements, and departmental policies and guidance, including specific personnel requirements necessary to comply with Department-wide initiatives (such as diversity recruitment or internal placement activities).
2. The ability to customize specific personnel policies tailored to the business needs of FSA. You will work with ED's Human Resources Director, who will assist you in reviewing and resolving legal sufficiency issues related to any such customized personnel policy. You will obtain ED's senior management approval for any FSA specific personnel policies (e.g., performance appraisal, awards, etc.). You will notify OFO/Office of Human Resources of any modifications to personnel policies that FSA implements and provide copies of the modified policies for Departmental records.
3. The authority under ED's Human Capital Policies (HCPs), Human Capital Memorandum (HCM), Personnel Manual Instructions (PMIs) to make decisions on a full range of personnel actions affecting FSA, as well as, to carry out the following FSA's human resources activities and functions:
 - a. Detail FSA employees.
 - b. Approve Time-in-Grade Waivers.

- c. Appoint Senior Managers and Professional/Technical Employees permitted under FSA's PBO legislation, as amended.
 - d. Carry out Merit Promotion Plan activities for FSA.
 - e. Make Superior Qualification Appointments.
 - f. Carry out Reductions-in-Force for FSA, in coordination with ED.
 - g. Approve of Telework Agreements (flexiplace).
 - h. Carry out all disciplinary actions and adverse actions (counseling, reductions in grade, removal, and all other adverse actions) for FSA. FSA will consult with the Office of the General Counsel (OGC) on adverse actions of 14 days or more and reductions in grade and removals, including performance-based actions.
 - i. Establish Senior Level/Senior Technical pay (SL/ST pay).
 - j. Approve Grade and Pay Retention.
 - k. Manage Placement of Grade Retention Employees within FSA and approve exceptions to the placement requirements.
 - l. Approve Student Loan Repayments.
 - m. Approve overtime pay for GS-15s.
 - n. Administer the Voluntary Leave Transfer Program (VLT), approve an employee's application to become a leave recipient and approve the donation of annual leave under ED's VLT for ED employees.
 - o. Approve Recruitment Bonuses, Relocation Bonuses, and Retention Allowances.
 - p. Handle FSA Employee Grievances.
 - q. Approve and effect non-discretionary actions.
 - r. Administer oaths of office upon entry of duty.
 - s. Approve and effect emergency appointments.
4. The authority to carry out the following **Employee Relations activities** not specifically covered by ED's HCP, HCMs and PMIs:

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- a. Through ED's existing contracts or other appropriate vehicles, provide FSA managers with counseling services to assist them in carrying out the following management responsibilities: adverse actions; disciplinary actions; performance based actions; within grade denials; suitability determinations; reasonable accommodation determinations; medical issues; administrative grievances; management representation (unemployment hearings); settlement agreement negotiations; technical representative; case log; ethics report; leave administration; and training to FSA managers on this subject matter.
- b. Schedule appropriate drug tests for FSA employees and order supplies using ED's contracts. FSA is currently assessed a charge back for the use of these services through ED's existing contracts. Ongoing use of these services will continue to be charged back to FSA.

- c. Review, approve, and process Quality Step Increases (QSIs) for FSA employees in accordance with ED's awards policy, FSA's award policy, and government-wide regulatory requirements.
 - d. Provide ongoing advice and assistance to FSA employees and managers and coordinate with Human Resource Services on Workers' Compensation issues.
5. The authorities to carry out **labor- management relations** activities:

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- a. Negotiate, in consultation with OFO, mid-term agreements with the union that cover FSA employees only. FSA must obtain the Secretary's approval of such agreements, as provided by law and ED's Collective Bargaining Agreement.
 - b. Negotiate mid-term agreements, or establish policies, that are inconsistent with Department-level collective bargaining agreements, but only after obtaining approval from the Assistant Secretary for Finance and Operations.
 - c. Provide training and labor relations advisory services/technical assistance to FSA managers on FSA matters, in consultation with OFO on interpretation of Department-level collective bargaining agreements and on matters with impact on principal offices other than FSA.
 - d. Represent ED before arbitrators, the Federal Labor Relations Authority, and the Federal Service Impasses Panel in matters arising in FSA that clearly affect only FSA; decisions as to whether cases meet these criteria will be made on a case-by-case basis by OFO. OFO will continue to receive unfair labor practice charges, arbitration requests, etc., and will maintain ED's arbitration calendar.
6. The following authorities to carry out **training and development** activities:

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- a. Provide FSA new employee orientation, leadership, development, technical skills training and career counseling to FSA employees and managers in support of FSA's Human Capital Management Plan and Annual Performance Plan.
- b. Assess employee skills to determine skill gaps and/or developmental needs, and take appropriate actions to reduce skill gaps and improve performance.
- c. Provide individual development planning services to FSA employees.
- d. Develop special programs for addressing individual development and providing various learning interventions.
- e. Provide mentoring programs and/or services for FSA employees.
- f. Collect and report ED training and development metrics data to OFO, as required.
- g. Coordinate tuition reimbursement for FSA employees in headquarters and regions with OFO/OHR.

7. The following authorities related to **classification, staffing, hiring, and compensation** not specifically covered by ED's HCPs, HCMs and PMIs (currently performed in both OFO/OHR Talent, Recruitment and Hiring and the Executive Resources Division):

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- a. Implement new classification and qualifications standards in accordance with OPM and Department guidance.
 - b. Appoint, promote, reassign, and realign employees under various authorities.
 - c. Appoint, reassign, and detail FSA Senior Managers and set rates of pay up to a maximum of Executive Level III.
 - d. Establish pay rates for Professional/Technical employees in accordance with applicable laws and regulations.
 - e. Classify positions and Desk Audits in accordance with OPM standards, guides and policies.
 - f. Determine bargaining unit status, competitive levels, Fair Labor Standards Act status and similar determinations for FSA positions.
 - g. Obtain authority from OPM to conduct Delegated Examining for competitive service positions and carry out Delegated Examining in accordance with OPM requirements.
 - h. Provide advisory services to FSA managers and employees.
 - i. Establish entrance on duty dates and exchange preliminary employment data for employees transferring in or out of FSA.
 - j. Approve and appoint Experts and Consultants, including setting and adjusting pay.
 - k. Administer and approve Intergovernmental Personnel Act (IPA) assignments and completion of all applicable forms and documentation required for IPA agreements, including the certification of eligible organizations, coordinating the terms of the assignment agreement with external organizations, and establishing a formal written IPA agreement.
 - l. Approve and effect performance bonuses authorized by Title 5 U.S.C. 451 and PL 105-244, time-off awards, and cash awards based on special acts or services, adopted employee suggestions, and staff recognition for individuals and groups in amounts not to exceed \$10,000. Actions for employees assigned to positions in the Senior Executive Service are subject to the Secretary's approval.
8. The following authorities to carry out **work/life programs** not specifically covered by ED HCPs, HCMs and PMIs

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- a. Provide reasonable accommodation problem-solving and functional assessments for FSA employees and managers.

- b. Provide advisory services to FSA managers and employees related to work/life programs.
- 9. The CAO of FSA is authorized to undertake the following activities related to **human resources systems** and their operation:

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- a. FSA will coordinate with ED to establish and administer the Federal Personnel Payroll System (FPPS) processes for FSA personnel and payroll transactions in FPPS, including establishment of a separate FSA Servicing Personnel Office (SPO) and the time and attendance (T&A) bi-weekly.
 - b. FSA will use the services of the Employee Express portal functionalities, especially for the bi-weekly receipt of the FSA employee Leave and Earnings Statements.
 - c. FSA will produce FSA human resources management reports from data contained in FPPS.
10. **Processing and Records**: The CAO of FSA is authorized to:

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- a. Approve and sign Standard Form 50, *Notification of Personnel Action*, related to the delegated personnel authorities.
 - b. Approve and sign Standard Form 52, *Request for Personnel Action*, related to delegated personnel authorities.
 - c. Process payroll documents and benefits.
 - d. Maintain Official Personnel Folders, performance agreements, Employee Performance Folders, staffing case files, and all other human resources records related to the exercise of human resources delegations of authority in accordance with OPM and ED requirements. FSA shall fully participate and support ED efforts to implement e-gov initiatives related to electronic personnel records and imaging of existing records as these initiatives is implemented across ED.
 - e. Respond to the annual FSA HR employee survey of specific human resources data, as recommended by the Office of Inspector General FPPS Audit finding.
11. The authority under the approved to determine what regional HR support will best meet FSA's needs.

These delegations of Human Resources Authority shall remain in place unless terminated or modified by the Chief Operating Officer. No further redelegation is authorized.

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Mark Brown

OGC Concurrence and Date: Michael Taylor 11/3/2020

Certified Date: 11/23/2020

Delegations Control Officer: Jim Clemmens

Control Number: EN1/EN2M/91