

# MS 114 Delegation of Authority

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## 1.0 Authority

22 U.S.C. 2503(b); Executive Order 12137 (1979), as amended.

## 2.0 Purpose

This manual section sets out Peace Corps policies and procedures regarding delegations of authority.

## 3.0 Definitions

- (a) *A Delegates* are the Deputy Director; the Chief of Staff; Associate Directors; the Chief Financial Officer; the Chief Human Capital Officer; the General Counsel; the Chief Information Officer; the Counselor to the Director/White House Liaison; the three Regional Directors; the Chief Compliance Officer and the heads of the following offices: Peace Corps Response; Office of Overseas Programming and Training Support; Office of Communications; Office of Congressional Relations; Office of Strategic Information, Research and Planning; Office of Civil

Rights and Diversity; Office of Global Health and HIV; Office of Strategic Partnerships and Intergovernmental Affairs; Office of Gifts and Grants Management; Office of Third Goal and Returned Volunteer Services; Office of Innovation; and Office of Victim Advocacy.

- (b) **Approve** means to give final managerial consent in writing to the requested action. Normally, an approved action must be followed by subsequent authorization before the requested action can be taken.
- (c) **Authorize** means to give final agency consent in writing to the requested action. Authorization is given by a senior agency official who takes responsibility for the requested action and must be preceded by an approval.
- (d) **Delegate**, when used as a verb, means to transfer authority. **Delegate**, when used as a noun, means a position or person to whom authority has been transferred under an original or subsequent delegation.
- (e) **Direct hire employee** means a person employed by the Peace Corps by appointment under Section 7(a), 7(c) or 13 of the Peace Corps Act or under a similar appointment authority.
- (f) **Employees** means direct hire employees and personal services contractors.
- (g) **Expert or Consultant** means a person employed by the Peace Corps under Section 13 of the Peace Corps Act. Such a person may not perform or be delegated managerial or supervisory work. (See MS 601 *Administration of the Peace Corps Direct Hire Personnel System*)
- (h) **Foreign Service National** means a non-U.S. citizen who is employed in a host country by the Peace Corps by appointment under Section 7(a) of the Peace Corps Act.
- (i) **Incidental authority** means additional limited authority implicit in the delegation of a specific authority.
- (j) **Original delegate** means the Peace Corps employee to whom the Director of the Peace Corps delegates an authority.
- (k) **Personal services contractor** means a person employed by the Peace Corps under contract under Section 10(a)(5) of the Peace Corps Act. However, a personal services contractor may not be deemed an employee for purposes of any law administered by the Office of Personnel Management.
- (l) **Reserved authority** means an authority vested in a Peace Corps employee that has not been redelegated.
- (m) **Redelegation** means an act by which an original or subsequent delegate authorizes another Peace Corps employee to exercise all or part of his or her delegated authority.
- (n) **Signature** or **signing**, when used in connection with a delegation of authority, includes an electronic signature, which is an electronic communication by a party indicating the intent to be bound by the communication.
- (o) **Subsequent delegate** means a Peace Corps employee to whom an authority has been redelegated.

- (p) *Writing* or *written*, when used in connection with a delegation of authority, includes an electronic communication.

## **4.0 Policies**

### **4.1 Authority**

All authority for the administration and operation of the Peace Corps is vested by law in the Director of the Peace Corps (the Director). Except as limited by law, the Director may delegate his or her authority to other Peace Corps employees. No Peace Corps employee may exercise any authority vested in the Director unless the employee is acting under a delegation that is derived from an original delegation of authority from the Director.

### **4.2 Flow of Delegations**

Delegations normally flow from the Director through the Director's immediate subordinates to the appropriate Peace Corps employees within the immediate subordinates' area of authority.

### **4.3 Delegations to Position**

Whenever feasible, delegations should be made to a position, rather than the individual person holding the position.

### **4.4 Redelegations**

Authorities delegated by the Director may be redelegated in whole or in part to other Peace Corps employees, unless the authorities are non-transferable as a matter of law or under the terms of the original delegation. Foreign Service Nationals may receive delegations of authority unless they are disqualified from doing so by law.

### **4.5 Accountability**

A delegation or redelegation of authority does not relieve the Director or original or subsequent delegates of oversight responsibility for the authorities delegated.

### **4.6 Delegations in Manual Sections and Regulations**

Delegations are often found in Peace Corps manual sections or published Peace Corps regulations that are not also reflected in separate formal delegations of authority. Delegations in manual sections constitute valid delegations as long as they reflect the most current delegation for the particular function and are not inconsistent with the applicable original delegation.

### **4.7 Reserved Authority**

Any authority vested in the Director that has not been delegated by the Director is reserved to the Director. The Director may not delegate any authority that is required by law to remain with the Director. Any authority delegated to original or subsequent delegates may be reserved by such delegates, unless otherwise required by law or the terms of the authority delegated to them.

### **4.8 Acting Authority**

Acting authority may be delegated to any other position whether or not that position is senior to or under the supervision of the person delegating the authority. Unless specifically prohibited, all authorities delegated to a position, whether transferable or nontransferable, may be exercised by an employee delegated authority to perform the functions of that position in an acting capacity. (A person filling a position in an acting capacity is acting as a temporary substitute in another's absence.) An employee with acting authority may redelegate the authority in whole or in part, unless the authority is non-transferable under the terms of the original delegation.

#### **4.9 Conditions on Delegations**

The Director may place limitations or conditions on a delegation of authority, including a prohibition on the redelegation of the authority by an original or subsequent delegate. Original and subsequent delegates may also place conditions on redelegations as long as the conditions are consistent with the terms of the authority delegated to them.

#### **4.10 Incidental Authority**

Incidental authority may be exercised by a delegate to the extent needed to carry out his or her delegated authority.

### **5.0 Procedures**

#### **5.1 Original Delegations**

Original delegations of authority may be initiated by the Director. In addition, any employee who reports directly to the Director may request in writing an original delegation of authority from the Director. The request shall describe the authorities to be delegated and explain why the requester is qualified for and should be the recipient of the delegation. Each request shall be cleared by the Office of the General Counsel before being forwarded to the Director.

#### **5.2 Format of Delegations**

A Peace Corps official or employee may authorize an employee in another position to act on his or her behalf by issuing a written "delegation of authority to act." All delegations and redelegations must be in writing and must be signed and dated by the delegating official. Original and subsequent delegations must contain the following information:

- (a) The identification of the position or employee to whom the delegation is made;
- (b) The name of the delegating official;
- (c) A description of the authority being delegated;
- (d) Any conditions, limitations, or restrictions placed on the delegation, including whether the delegation is transferable; and
- (e) The effective date of the delegation.

### **6.0 Recordkeeping**

## **6.1 Original Delegations**

Original delegations approved and signed by the Director shall be filed in the Office of the Director within 24 hours of being signed. Copies shall be provided promptly to appropriate Peace Corps staff, including the General Counsel. The Office of the General Counsel will include a copy of the delegation in the appropriate attachment to this manual section in a timely manner.

## **6.2 Redelegations**

Copies of all redelegations shall include an effective date and shall be filed in the office of the person to whom the redelegation is made.

## **6.3 Acting Authority**

The person delegating an authority to act and the official or employee receiving the delegation must each keep a copy of the delegation in their respective offices. Copies should be distributed to agency staff, as appropriate. When a “delegation of authority to act” is issued at an overseas post, the Country Director must e-mail or cable the information to the appropriate Regional Director and the appropriate embassy or other unit providing administrative support to the post.

## **7.0 Authorities Reserved to the Director**

Authorities reserved to the Director are set out in paragraphs 7.1 through 7.7.

### **7.1 Personnel**

- (a) Authority to approve initial selection, appointment, promotion, transfer, termination, or disciplinary action relating to the A Delegates (with the exception of the Deputy Director), the Inspector General, the Country Directors and the Regional Recruiting Office Managers;
- (b) Authority to approve all personnel actions relating to the Deputy Director;
- (c) Authority to approve and authorize all time-limited appointments extended beyond five years under 22 U.S.C. 2506(a)(5) and (a)(6). (Appointments under 22 U.S.C. 2506(a)(6) are nontransferable by law, see MS 601);
- (d) Authority to approve and authorize performance evaluations for the A Delegates (with the exception of the Deputy Director) and the Inspector General;
- (e) Authority to approve all agreements entered into with a labor organization as the exclusive representative of employees, see MS 659;
- (f) Authority to approve all cash awards over \$5,000 for agency employees and Meritorious Step Increases for Country Directors, and any other employees reporting directly to the Director, see MS 622 and MS 662; and
- (g) Authority to decide appeals from General Counsel determinations of ineligibility for employment or Volunteer service under the Peace Corps Intelligence Policy.
- (h) Authority to set the rate of pay for career Senior Foreign Service Peace Corps employees.

## **7.2 Budget, Finance and Accounting**

- (a) Authority to approve the annual budget, including supplements, amendments, policies, and assumptions used in developing budget estimates; approve reprogrammings to be submitted to Congress (see MS 701);
- (b) Authority to approve operating plans and budgets and employment ceilings and revisions thereto;
- (c) Authority to adjust budget authority between budget lines among location centers (sub-offices within a major office) within the same budget activity that is equal to or in excess of 4% of the major office's approved operating plan and budget;
- (d) Authority to accept on behalf of Peace Corps unconditional gifts of money or tangible personal property in excess of \$100,000, and accept all conditional gifts where the condition is other than a restriction to a particular country or area (see MS 721); and
- (e) Authority to approve domestic and international travel for the Deputy Director and the Chief of Staff/Chief of Operations (see MS 812).

## **7.3 Country Agreements**

Authority to approve requests to the State Department for the initiation, modification, or termination of Peace Corps country agreements (see MS 340).

## **7.4 General Administration**

- (a) Authority to approve and authorize changes to the Agency's organizational structure at or above the following levels:
  - (1) Major sub-divisions under the direction of the Associate Directors, Chief Information Officer, Chief Financial Officer, Chief Human Capital Officer, each of the three Regional Directors, Director of Peace Corps Response, and the Director of Overseas Programming and Training Support and any program unit where the head of the unit reports directly to the Director;
  - (2) Overseas posts; and
  - (3) Regional Recruiting and Administrative offices.

## **7.5 Record Dissemination, Privacy, and Management**

Authority to decide appeals from denials of access to records and for requests for the amendment of records, other than OIG records, under the Privacy Act.

## **7.6 Equal Employment Opportunity**

Authority to:<sup>1</sup>

- (a) Settle and adjust any complaint of prohibited discrimination or reprisal;
- (b) With the concurrence of the General Counsel, approve and authorize attorneys' fees permitted under the law in cases of prohibited discrimination or reprisal;
- (c) With the concurrence of the General Counsel, concur with Justice Department proposals to settle any complaint in litigation that is related to EEO, prohibited discrimination, or reprisal matters; and
- (d) Take final action in all matters related to EEO, or prohibited discrimination or reprisal.

## **8.0 Transition Provision**

The original delegations in the attachments to this manual section shall become effective on the issuance date of this manual section and shall continue in effect until superseded or withdrawn. Redelegations of authority already in effect on the effective date of this manual section shall remain in effect unless they are inconsistent with the original delegations issued with this manual section or they are superseded or withdrawn.

## **9.0 Effective Date**

This manual section shall become effective on the date of issuance.

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<sup>1</sup> *If a settlement involves the obligation of appropriated funds, the settlement proposal shall be reviewed by the Chief Financial Officer, prior to communication of the terms thereof to the complainant.*