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	U. S. DEPARTMENT OF THE INTERIOR **OFFICE OF SURFACE MINING** **RECLAMATION AND ENFORCEMENT** **DIRECTIVES SYSTEM**	**Subject Number:** OPM-5 **Transmittal Number:** 638 **Date:** 10/5/90

Subject: Delegations of Authority

Approval: [signature] **Title:** Director

1. Purpose. This directive delegates authority from the Director to specific official positions within the Office of Surface Mining Reclamation and Enforcement (OSM) and prescribes the procedures for redelegations of authority and acting designations.

2. Definitions. None.

3. Policy/Procedures.

   a. Concept. As appropriate, officials should delegate authority to the lowest competent level of management.

      (1) Exercise of Authority. An official who is delegated or redelegated authority to make a decision must exercise that authority in conformity with established statutory, procedural or regulatory requirements. These requirements are found in provisions of statutes, Executive Orders, OSM Directives, the Departmental Manual, and regulations issued by other agencies, for example, the Office of Personnel Management and General Services Administration. Additional requirements are found in relevant policies, standards, programs, organization and budgetary limitations, and administrative instructions prescribed by officials of the Office of the Secretary. Prior to exercising the delegated authorities, all OSM officials should become familiar with all applicable requirements.

      (2) Effect of Delegation. An official who delegates or redelegates authority does not take from himself or herself the power to exercise that authority, nor does delegation or redelegation relieve him or her of the responsibility for action taken pursuant to the delegation. An official may retain authorities at a higher level than specified in this directive, if he or she so chooses. Retention of authority shall be in writing, the same as redelegations. A copy of each such retention affecting payroll matters shall be sent to the consolidated Payroll Office, Post Office Box 25065, Denver, Colorado 80225. A copy of any retention affecting travel, other financial or procurement matters should be sent to the Division of Financial Management, Post Office Box 25065, Denver, Colorado 80225.

(3) General Provisions on Redelegation. Any official to whom authority is delegated may redelegate that authority in writing (citing the specific section of this directive) unless redelegation of authority is specifically prohibited or limited. Redelegation of authority must be documented for later consideration as a part of OSM's Directives System. Thus, a copy of each redelegation must be sent to the Chief, Management Services Division in Headquarters. A copy of each such redelegation affecting payroll shall be sent to the consolidated Payroll Office, Post Office Box 25065, Denver, Colorado 80225. A copy of each such redelegation affecting travel, other financial or procurement matters should be sent to the Division of Financial Management, Post Office Box 25065, Denver, Colorado 80225.

(4) "Acting" Designations to an "Official" Position. When an individual listed in one of the positions contained in paragraph 3.c.(1) of this directive is to be absent from his/her position for leave, travel, conferences, etc., one of the senior subordinates must be designated as "Acting" during the absence. In lieu of designating an "Acting" for each instance of absence, the official may designate an automatic line of succession. All documents signed by the individual designated must contain the word "Acting" in front of the position title in which the individual is acting. When designated as "Acting" an individual will have the same authority as the incumbent official who makes the designation unless restricted in writing at the time of the delegation.

(5) Supervisory Authorities. Unless specifically excluded, all supervisors have the same authority as their subordinates. Specific examples of exclusions include procurement warrant holders, Certifying Officers, and Authorized Representatives.

b. Responsibilities.

(1) The Director, OSM, exercises, except as provided below, the authority of the Secretary of the Interior with respect to the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and amendments thereto. By definition he may exercise all authorities contained in this directive. He is authorized to exercise the authority of the Secretary of the Interior to issue proposed and final regulations contained in Chapter 7, Title 30, Code of Federal Regulations and to issue public notices related to administration of SMCRA. The authority granted to the Director does not include:

(a) Authority which the Secretary may not redelegate, as set forth in 200 DM 1.

(b) Approval or disapproval of an initial State regulatory program. This does not include amendments, modifications, or suspensions in whole or in part of approved State regulatory programs.

(c) Designation of lands as unsuitable for noncoal mining (Section 601 of SMCRA).

(d) Approval and issuance of security clearance for certain designated officials as reserved by the Office of the Secretary.

(e) Authority to issue proposed and final Federal regulations contained in Chapter 7, Title 30, Code of Federal Regulations reserved to the Assistant Secretary, Land and Minerals Management.

(2) The two Deputy Directors have the Director's authorities for their respective directorates: Administration and Finance (DD(A)) and Operations and Technical Services (DD(O)), except those authorities listed in (a) through (d) below. In those instances where both Deputy Directors are the delegated authority, the symbol (DD) is used.

(a) Authority to select or remove individuals who report directly to the Director.

(b) Authority to establish Agency-wide policy.

(c) Authority to initiate 30 CFR Part 733 actions.

(d) Authority to promulgate agency-wide regulations.

c. Procedures. The individuals with the titles listed under (1) below are responsible for the functions listed in (2) through (25) below. Each title is preceded by a letter (or letters) that represent the official's organization. The first sentence of each function lists letter(s) in parentheses that designate the officials with the authority for executing that function, as delegated by the Director and Deputy Directors. For example, "Use of Government owned or licensed motor vehicles between place of employment and an employee's domicile and overnight storage of such a vehicle at an employee's domicile when performing official travel by GOV to a location closer to the employee's domicile, or when performing field work at a location closer to an employee's domicile for a period not to exceed one week. (A, FFM, FRA, E, W, and FOD)."

(1) Title and Organizational Designations

Immediate Office of the Director

D - Director
DD - Deputy Directors
DPA - Public Affairs Staff
DCL - Congressional Liaison Staff
DEO - Equal Opportunity Staff
DCI - Correspondence and Issues Management Staff
DBS - Budget Staff
DPS - Planning and Analysis Staff

Deputy Directorate for Administration and Finance

DD(A) - Deputy Director, Administration and Finance
MCS - Management Controls Staff

Assistant Directorate for Administrative Services

A - Assistant Director, Administrative Services
APS - Chief, Division of Personnel
AMS - Chief, Division of Management Services
AI - Chief, Division of Information Systems Management

Assistant Directorate for Finance and Accounting

F - Assistant Director, Finance and Accounting
FFM - Chief, Division of Financial Management
FDM - Chief, Division of Debt Management
FAS - Assessment Conference Officer
FCM - Chief, Division of Compliance Management
FRA - Regional Audit Manager
FSA - Supervisory Auditors

Deputy Directorate for Operations and Technical Services

DD(O) - Deputy Director, Operations and Technical Services
O - Assistant Director, Field Operations
FOD - Field Office Director
FAO - Area Office Manager
AVS - Chief, Applicant/Violator System Office
FAO - AVS Lexington Office

Assistant Directorate for Reclamation and Regulatory Policy.

P - Assistant Director, Reclamation and Regulatory Policy
PAM - Chief, Division of Abandoned Mine Land Reclamation
PRP - Chief, Division of Regulatory Programs
PTS - Chief, Division of Technical Services

Assistant Directorate - Eastern Support Center

E - Assistant Director, Eastern Support Center
ASC - Chief, Administrative Service Center
ARP - Branch of Anthracite Programs (Wilkes-Barre)
FAO - Ashland Office

Assistant Directorate - Western Support Center

W - Assistant Director, Western Support Center
ASC - Chief, Administrative Service Center

Other Officials

FLS 1/ - All OSM first level supervisors
SLS 2/ - Second level supervisors (includes all division chiefs)
TLS 3/ - Third level supervisors

FLS 1/ A first level supervisor is an employee who has formal supervisory responsibilities at the lowest level in the organizational hierarchy, generally a Branch/ or Section Chief.

SLS 2/ A second level supervisor is an employee who immediately supervises one or more first level supervisors.

TLS 3/ A third level supervisor is an employee who immediately supervises one or more second level supervisors.

(2) Administrative Services

(a) Use of government owned or government licensed vehicle between place of employment and an employee's domicile and overnight storage of such a vehicle at an employee's domicile when performing official travel by GOV to a location closer to the employee's domicile, or when performing field work at a location closer to an employee's domicile for a period not to exceed one week. (FFM, FRA, AMS, ASC, FOD, FAO, and ARP). A completed and approved OSM Form 18 (Request for Overnight Storage of Government Vehicle at Employee's Residence) must be executed prior to commencing travel or field work. This authority does not permit

authorizing an employee to use a GOV for travel to and from his/her residence to a fixed work site even though the work site may be closer to the domicile than to the employee's office. Approval for offices to exceed standard employees to vehicle ratios can be found in 412 DM 2.3e.(A).

(b) Issuance of U.S. Government Identification Card (APS, AMS, FFM, E, W, ASC, and FOD).

(c) Transfer and disposal of personal property (A, AMS, E, W, ASC, and FOD).

(d) Abandon, destroy, or donate to public bodies real property with no commercial value and dispose of real property in accordance with 41 CFR 101 (A, AMS and FOD). Individuals responsible for disposal of real property may not redelegate the authority.

(e) Negotiate and establish easements (E, W, and FOD).

(f) Acquisition of space for OSM Personnel (A, and AMS). Authority to approve State grants which request acquisition of space, real property, and reimbursement agreements with city or county and State government agencies (FOD).

(g) Real property acquisition for reclamation projects including acquisitions involving condemnation procedures and acquisitions for the purpose of providing land for housing (O, E, and W). The Solicitor and the Department of Justice must approve all real property acquisitions.

(h) Enter into reimbursable agreements with other agencies of less than $100,000, subject to availability of funds in operating budgets (A, F, P, E, W, O, and ASC). Agreements involving more than $100,000, subject to availability of funds in operating budgets (DD).

(i) Enter into cooperative agreements for reclamation projects (DD(O), O, E, W). Authority for E and W for reclamation projects is not to exceed $1 million.

(j) Award Title IV and V grants/cooperative agreements (FOD with concurrence of O for availability of funds). Authority to enter into funded and unfunded cooperative agreements for Tribes, Federal lands and Federal program States (E, W and FOD with concurrence of O for availability of funds). This authority cannot be redelegated.

(k) Initiate requests for establishing, increasing, or decreasing letters-of-credit for OSM grants (O and FOD). Certifying Letters of Credit (FFM).

(l) Approve requisitions, except those covered by (2)(m), of less than $25,000 for procuring goods or services (each Program Manager with funds allotted or allocated to his/her activity account). Approval of requisitions, except those covered by (2)(m), of more than $25,000 (DD, O, A, F, P, E, and W)." (See OSM Directive FIN 5, Administrative Control of Funds, 6.g.).

(m) Approve requisitions for ADP word processing equipment, related telecommunications equipment, interface devices, Local Area Network (LAN) equipment, ADP services, and software less than $10,000 (FOD, Division Chiefs, and Heads of Director and Deputy Director's Staff Offices; more than $10,000 (DD). Subject to standards set forth in ISM Directives.

(n) Approve the design, use and issuance of all new or revised OSM forms (AMS). Approve the design, use, and issuance of local forms as defined in the forms management directive (ASC, AMS, and FOD).

(o) Approve requests for payment of uniform allowances for authorized employees (E, W, and FOD).

(p) Approve Reimbursable Work Authorizations (RWAs) less than $10,000 (E, W, FOD, FFM, AMS and ASC); more than $10,000 (A).

(q) Approve requisitions for magazine subscriptions and other periodicals required to accomplish the official mission of OSM (FOD, SLS). Authority to approve requisitions for newspapers published within the area covered by the Field Office (E, W, and FOD). To assist responsible officials in avoiding duplicate subscriptions, respective Procurement Offices and Administrative Offices will maintain a current consolidated listing of all approved periodicals and will update the listing annually.

(r) Approve procurement requests for Federal Reclamation projects (E and W). Approval authority shall be contingent on an approved briefing paper for the project and the current allocation containing sufficient funds for the proposed obligation.

(3) <u>Attendance at Meetings and Outside Employment</u>.

(a) Approve acceptance of travel expenses, honoraria, contributions, awards, and payments from non-Government organizations incident to training or attendance at meetings (A).

(b) Approve employees participation in (presenting papers, serving on panels, etc.) and/or employees attendance at professional meetings (DD, A, F, P, E, W, and FOD). This authority may not be redelegated. The criteria for approving reimbursable employee participation in non-Government conferences, conventions, symposiums, etc., are in 370 DM 410.8-2.

(c) Approve outside employment by OSM employees (DD, A, F, O, P, E, W, and FOD).

(4) Awards.

(a) Approve on-the-spot awards not to exceed $250.00 (FLS). On-the-spot awards are not subject to committee review. Approve performance awards (SLS). Approve special act or service awards up to $1,000 (SLS). Approve special act or service award above $1,000 and not to exceed $5,000 (A,O,P,F,E, and W, approving official must be at least SLS). Approving official must assure that funds are available and all awards must follow guidance and restrictions contained in OSM Directive PER-17, Incentive Award Program.

(b) Approve quality step increase (SLS). (Requires technical review by the Division of Personnel or ASC prior to final approval).

(5) Budget Resources and Accountability.

(a) Allot fund responsibility with legal sanctions as a consequence of appropriation; authority to suballot fund responsibility with legal sanctions as a consequence of allotments (D). (See OSM Directive FIN 5, Administrative Control of Funds 6.a.).

(b) Issue official allocations of funds to Assistant Directors as a consequence of an allotment of appropriated funds (DD). Authority to issue official allocations to subordinate units (A, F, P, O, E, and W). (See OSM Directive FIN 5, Administrative Control, of Funds 6.b.).

(c) Request apportionments and reapportionments (DI 521's and SF 132's) from the Office of Management and Budget, and Warrants of Appropriations from Treasury

(DBS). (See OSM Directive FIN 5, Administrative Control of Funds 6.d.).

(d) Authorize commitments for fund reservations prior to obligation (DBS and ASC). (See OSM Directive FIN 5, Administrative Control of Funds 6.d.).

(e) Approve position allocations (DD). (See OSM Directive PER 26, Position Ceiling Control 4.b.).

(f) Issue position allocations to Assistant Directors and Director's Staff Offices (DD). Authority to issue position allocations to subordinate units (DD, O, A, F, P, E, and W) (See OSM Directive PER 26, Position Ceiling Control 4.b.).

(6) Conflict of Interest.

(a) Review statements and case files to determine prohibited financial interests, counsel employees with prohibited financial interest, certify employment and financial interest statements, prepare reports and correspondence concerning prohibited financial interest, and recommend action or resolution of prohibited financial interest for OSM, other Federal employees and Heads of all State regulatory authorities including review of individual State employee's statements, as appropriate (Deputy Ethics Counselor) (A and APS).

(b) Review State systems to ensure compliance with Federal regulations concerning conflict of interest for State employees other than regulatory authority heads. Does not include review of individual state employee conflict of interest filings (O, FOD).

(7) Correspondence.

(a) Sign documents (correspondence, directives, etc.) that set or interpret policy, make policy or other major commitments on behalf of OSM, or respond to Members of Congress, Governors, Cabinet Officials, Cabinet Councils, White House Task Forces, and other Federal and State officials of rank equal to or greater than the Director, including heads of State regulatory authorities, except for correspondence as noted in (b) below (D).

(b) Sign documents (correspondence, manuals, etc.) that apply established policy or relate to operations, including operational commitments on behalf of the agency, that affect only their Directorate or field

units under their jurisdiction (DD, O, A, F, P, E, W, and FOD). This includes Congressional and State correspondence addressed specifically to OSM officials, with copies provided to Congressional Liaison Staff and ASLMM when appropriate.

(c) Sign correspondence of a general nature; i.e., correspondence that does not set, interpret, or apply policy, or make operational commitments on behalf of the agency; and the subject of which lies within their particular program responsibility (all officials listed).

(d) Authenticate records (O, A, F, FFM, FDM, P, E, W, ASC, and FOD, Director's Staff Offices, FLS, and SLS).

(e) Certify signatures, if not originals, on all documents submitted for filing and publication with the Federal Register (Federal Register Liaison or Alternate). Certify signatures, if not originals, or other documents as necessary (DCI).

(8) Records Management (see OSM Directive INF-1)

(a) Ensure OSM's compliance with the provisions of Federal files maintenance and records disposition programs, as Records Management Officer (AMS).

(b) Designate Records Liaison Officers and recordkeepers to administer all phases of records management in the area under their jurisdiction (FLS).

(c) Ensure proper classification and handling of confidential records and files in accordance with the Records Management Manual (FLS).

(d) Maintain official correspondence files in Headquarters (DCI). Maintain official correspondence files for field units (FOD, FAO, E, W, and FFM).

(e) Disclosure of or access to information from official files, which is requested under the Freedom of Information Act and/or Privacy Act, is governed as stated in OSM Directive INF-3 and 43 CFR Subpart B for the Freedom of Information Act, and OSM Directive ADS-1 and 43 CFR Subpart D for the Privacy Act (FLS). Both instances require prior coordination with DCI and the Solicitor's Office.

(9) Emergencies (Other Than AML)

(a) Approve reciprocal agreements with emergency services offices for rendering emergency assistance (A, FFM, FRA, FSA, E, W, and FOD).

(b) Comply with written directives issued by the Regional Directors of the Federal Emergency Management Agency (A, FFM, FRA, FSA, E, W, and FOD).

(c) Exercise the authority of the Director with respect to the field unit involved in a Civil Defense Emergency and during the inability of a superior in the chain-of-command to exercise authority (FFM, FRA, FSA, ARP, FAO, FOD, E, and W).

(10) Equal Employment Opportunity

(a) Informally resolve allegations of discrimination in the pre-complaint counseling stage (SLS). (Requires review of DEO or E/W EEO Officer and, when appropriate, review of agreement language by APS or ASC to ensure terms comply with personnel regulations). This authority cannot be redelegated.

(b) Settle formal complaint of discrimination (DD). (Requires review of DEO and, when appropriate, review of settlement language by APS to ensure terms comply with personnel regulations). This authority cannot be redelegated.

(11) Financial Management.

(a) Certify long distance telephone calls (all officials listed).

(b) Determine locations and approve requests for Imprest Fund increases or decreases (F and FFM).

(c) Submit requests to Treasury for designating or revoking Cashier's authority (F and FFM).

(d) Time and Attendance report:

1 Approve and certify Time and Attendance Reports for subordinates (all officials listed). Each person authorized to sign Time and Attendance Reports must have a signature card on file with the Payroll Office.

2 Designate timekeepers to maintain employees'

records of time in pay and non-pay status (all officials listed). Designation of timekeepers will be by means of signature card and approved by the supervisor of the unit and filed with the Payroll Office.

(e) Collect erroneous payments made to employees (F and FFM, and collection officers as designated by FFM).

(f) Waive claims of less than $500 for erroneous payment of pay, travel, transportation, and relocation expenses (F and FFM).

(g) Request Treasury designation of certifying officers (F and FFM).

(h) Designate collection officers (F and FFM).

(i) Suspend or terminate collection activity other than reclamation fees and civil penalties (F and FFM).

(j) Suspend or terminate collection activity for reclamation fees and civil penalties:

1 For reclamation fees and civil penalties less than $600 (F, FDM, and FFM).

2 For reclamation fees and civil penalties more than $600 (F and FDM), with required concurrences as set forth in DM 5, Part 344, 5.1.A an B.

3 Offset escrow amounts, refunds, and contract payments against Title IV and Title V claims (F, FDM, and FFM).

4 For residual accounts receivable after collection agency action (FDM and FFM).

(k) Administratively approve refund of civil penalty assessments and approve payment of interest on refunded amounts (F and FDM). Certify payment of refunds (FFM).

(l) Administratively approve refunds of reclamation fees (F and FCM). Certify payment of refunds (FFM).

(m) Approve use of commercial forms and procedures in lieu of Government Bill of Lading forms (AMS).

(12) Freedom of Information Act and Privacy Act

(a) Freedom of Information Act (see OSM Directive (INF-3):

1 Approve release of requested documents and interim responses: for Headquarters (DCI); for field units (E, W, FOD). Requires coordination with DCI and Office of the Solicitor.

2 Deny release of information requested in whole or in part (DCI). Requires prior coordination with Office of the Solicitor.

3 Approve fees and waivers as prescribed under 43 CFR 2.20: for Headquarters (DCI); for field units (E, W, FOD). Requires coordination with DCI and Office of the Solicitor.

4 Bill requestors for allowable fees and follow up on bill payment (FFM). This authority may not be redelegated.

(b) Privacy Act (see OSM Directive ADS-1 and 43 CFR Subpart D)

1 Ensure OSM compliance with the Privacy Act, as Bureau Privacy Act Officer (DCI).

2 Designate Systems Managers to administer systems of records under their control subject to the Privacy Act, including those systems developed or maintained by a contractor (A, F, O, AVS, FOD, P, E, W).

3 Identify systems of records under their control subject to the Privacy Act provisions; and document systems exempt from Privacy Act provisions (Systems Managers). Requires prior coordination with DCI and Solicitor's Office.

4 Coordinate responses to Privacy Act requests for information involving their respective jurisdictions: for Headquarters (A, F, O, P); for field units (FOD, E, W). Denials recommended by Systems Managers must receive concurrence of the Privacy Act Officer. Both instances require prior coordination with DCI and Solicitor's Office.

(13) Hours of Duty.

(a) Specify official hours of duty (DD, O, FFM, FRA, E, W, and FOD). See OSM Directive PER-6.

(b) Approve regularly scheduled overtime not to exceed 3 months (DD, O, A, F, FFM, P, E, W, and FOD). Officials approving overtime must submit an Overtime Authorization form with the applicable Time and Attendance Report. Approve occasional or irregular overtime (FLS). Note: Overtime payments are subject to policy and procedures established in OSM Directive PER-2.

(14) Information Systems Management

(a) Designate ADP systems, including micro-computer systems, as "critical systems" to OSM's mission (A).

(15) Labor Relations.

(a) Recommend the approval/disapproval of basic labor-management agreements and amendments to basic agreements (DD, A, and APS). These recommendations are subject to the review and final decision-making authorities of the Director, OSM, and the Director of Personnel, DOI.

(b) Recommend whether negotiated grievances, unfair labor practice charges, or representation disputes should proceed to hearings (DD, A, APS, F, and P). These recommendations are subject to the review and final decision-making authorities of the Director, OSM, and the Director of Personnel, DOI.

(c) Administer the provisions of basic labor-management agreements and amendments to basic agreements (all Headquarters Officials listed in 3.c.(1)). This authority includes, but is not limited to, responsibility for making decisions concerning represented employees, in accordance with applicable contract provisions, in such areas as: leave administration, disciplinary and adverse actions; informal and formal grievances; withholding/granting of within-grade increases; merit promotions, performance appraisals; etc. This authority is exercised with the technical concurrence of the Chief, Division of Personnel or a designated representative.

(d) Administer the provisions of 5 USC Chapter 71, as they relate to or impact represented OSM employees (all

Headquarters Officials listed in 3.c.(1)). This authority includes, but is not limited to, responsibility for: affording exclusive employee representatives (i.e., unions) opportunities to negotiate on changes in conditions of employment of represented employees; affording exclusive representatives opportunities to attend formal discussions and Weingarten meetings, and affording applicable labor organizations National Consultation Rights. This authority is exercised with the prior concurrence of the Chief, Division of Personnel or designated representatives.

(16) Leave.

(a) Approve leave and excused absences of individual employees:

1 Approve advance annual leave up to the current leave year accrual, advance sick leave, leave-without-pay (LWOP) not in excess of 15 days (SLS or above). Leave without pay and advance sick leave in excess of more than 15 days (SLS). The employee's supervisor must coordinate the request for more than 15 days LWOP and advance sick leave with Chief, Division of Personnel or ASC and document it on an SF-71 transmitted to the consolidated Payroll Office in Denver. This authority may not be redelegated.

2 Approve excused absences of employees due to adverse weather conditions (DD, FFM, FRA, E, ARP, FAO, W, and FOD). In situations where different OSM components are in the same city, dismissal is delegated to the senior OSM official designated by the Director. This authority may not be redelegated.

3 Approve excused absence for authorized purposes other than inclement weather for groups of employees, e.g., physical plant problems such as lack of heat, or bomb threats (A, FFM, FRA, FSA, E, ARP, FAO, W, and FOD). In situations where different OSM components are in the same building, dismissal is delegated to the senior OSM management official as designated by the Director. This authority may not be redelegated.

4 Approve excused absence for individual employees, other than for inclement weather, based on the individual situation being related to the criteria set forth in the OSM and Departmental directives

(all officials listed). The OSM directive on absence and leave (PER-12) sets forth examples of acceptable situations for granting excused absences.

5 Approve routine leave (all officials listed). Restoration of forfeited annual leave (leave in excess of 240 hours) because of illness, injury, administrative error, or unusual workload conditions (D).

(17) Manuscripts.

(a) Approve manuscripts of a management, policy, scientific, technical, or engineering character including papers to be presented at meetings (DD with review of DPA).

(b) Approve, prior to action, all publications and audiovisual materials intended for dissemination to the general public that are developed or funded -- even partially -- with OSM funds (DPA). Approval does not extend to publications, such as Environmental Impact Statements, charts and maps, State-produced material, and administrative materials produced solely for internal use. It does include, however, authority over internal newsletters and annual reports. Exceptions to audiovisual materials include: training films, slide shows and video tape recordings produced solely for in-house use.

(18) Oaths.

Administer oaths and redelegate this authority to designated employees GS-5 and above (all officials listed).

(19) Personnel Actions.

(a) Approve requests for personnel actions (SF-52) for all established subordinate positions through GS/GM-15 (DD, O, A, F, P, E, W, and FOD). Prior to approval, the initiating official is responsible for ensuring that adequate funds are available in his/her operating budget to accommodate the results of the requested action. The official is also responsible for compliance with any personnel ceiling established for his/her organization. This authority does not extend to personnel actions that may affect organizational structure prior to clearance of such a change by the Director. Approval for unestablished positions or changes to established positions above GS/GM-13 (A, O, F, P, E, and W). Approval for

unestablished positions above GS/GM-13 (DD).

(b) Classify SES/GS/GM-14 and 15 Positions -- (SES and GS/GM-15 position proposed classification subject to DOI concurrence) (DD, A, and APS); all wage positions and classified positions through GS/GM-13 (DD(A), A, APS, and ASC). This authority may be redelegated to appropriate employees in the Division of Personnel and Administrative Service Centers.

(c) Effect appointments, changes, suspensions, separations, and demotions for all wage and GS/GM -15 positions (SF-50) (DD(A), A and APS). Effect the same personnel actions through GS-12 (FOD)*, through GM/GS-14 (ASC). This authority may be redelegated to appropriate employees in the Division of Personnel or the Administrative Service Centers, or Administrative Officers in the field offices.

* Authority is vested at the FOD level - however PAY PERS system operations requires SF-50 preparations at the respective ASC.

(20) Performance Ratings, Disciplinary Actions and Grievances.

(a) Review and approve summary performance ratings (SLS). This authority may not be redelegated.

(b) Review and issue final written decisions on employee requests for performance reconsideration reviews (TLS). (Complaints of bargaining unit employees are to be pursued through the negotiated grievance procedures).

(c) Remove probationary or temporary employees (SLS). This authority may not be redelegated.*

(d) Decide to remove, suspend in excess of 14 days (to include indefinite suspension), reduce in grade or pay, furlough for 30 days or less, or require enforced annual or sick leave for all permanent employees to GS/GM-15 (SLS). This authority may not be redelegated.*

(e) Suspend employees for 14 days or less for all positions to GS/GM-15 (SLS).*

(f) Decide formal employee grievances (SLS). To ensure compliance with procedural requirements, written decision on formal grievances to employees must be surnamed by APS or ASC.

(g) Make a determination to withhold a Within-Grade-Increase (SLS). To ensure compliance with procedural requirements, Notices of Negative Determination must be surnamed by ASC or APS. Decide requests for reconsideration (TLS).

* The delegation in items (b), (c), (d), and (e) do not limit the authority of any supervisor to admonish, issue letters of warning or reprimand, or propose more severe action. Supervisors must consult the Servicing Personnel Office prior to taking any disciplinary action except verbal admonishments. Supervisors must be fully aware of and comply with applicable labor relations procedures in taking any disciplinary action involving represented employees (see OSM Directive PER-23). To ensure compliance with procedural requirements, proposal and decision notices to employees must be surnamed by APS or ASC.

(21) Placement of Advertisements.

(a) Place newspaper advertisements regarding notice of public hearings and requests for comments (AMS, E, W, and FOD). Place newspaper "notices of Findings of No Significant Impact" (FONSI) (P, PTS, E, W, and FOD).

(b) Advertise notices of recruitment for positions (APS). For shortage category positions up to GS-12 (FOD), up to GM/GS-14 (ASC).

(22) Procurement.

(a) Award both negotiated and formally advertised contracts, and make small purchases (only Headquarters procurement personnel (AMS), ASC, or field employees specifically appointed by name). Individual warrants will specify authority and limitations.

(b) Responsibility for implementing OSM warrant system (A).

(c) Issue SF-44, Field Purchase Order, for emergency purchases not to exceed $2,000 (any employee authorized by AMS and ASC).

(d) Implement the Federal Grant and Cooperative Agreement Act of 1977 to determine the extent of Federal involvement relative to funded action and the subsequent justification for the issuance of a procurement or assistance instrument (DD(A)). This delegation applies only where SMCRA does not specify the form of Federal financial assistance, e.g., State

participation in an OSM funded research project.

(e) Designate selection authority for Architect and Engineering contracts (A, E, W, and ASC). See Interior Acquisition Reg 1436.602-4.

(f) Approve imprest subvouchers in amounts, less than $500 for payment of all appropriate expenditures as specified by the OSM Imprest Cashier's Manual (FIN-3) and Departmental and Treasury guidelines (all officials listed).

(g) Approve payments from the imprest fund of more than $500 under emergency conditions (F). The request for emergency payments must be in writing and must be retained by the cashier.

(23) Security.

(a) Approve security clearances other than for those personnel reporting directly to the Director (A and APS). The Director reserves the authority to approve the clearance for all personnel reporting to the Director's Office.

(24) Training

(a) Sign requests for training in Government and non-Government facilities (all officials listed). Requires concurrence of second level supervisors (except when DD, A, F, FRA, P, E, W, and FOD are first line supervisors).

(b) Approve training in Government or non-Government facilities (APS, ASC and FOD). Approval of training of 30 days or over reserved to DD.

(25) Travel

(a) Approve employee and dependent's travel for transfer, reassignment or appointment, grade GS-7 and above and shortage category hires as defined by OPM for grade GS-6 and below (A, F, E, P, W, and O subject to consultation with relocation specialists and fund certification by DBS).

(b) Approve travel for Departmental award recipients and recommend approval of travel for one individual of the award recipients choosing (D). That person can be any individual related to the recipient by blood or

affinity (i.e., whose close association with recipient is equivalent to that of a family relationship.) Approval of travel for individual chosen by award recipient to attend presentation is reserved to the Assistant Secretary, Land and Minerals Management.

(c) Approve foreign travel authorizations (Assistant Secretary, Land and Minerals Management).

(d) Approve allowances for expenses incurred in connection with residence transactions pertinent to change of official station (A, F, O, P, E, and W with fund certification by DBS).

(e) Approve extension of time for settlement of real estate transactions (A).

(f) Approve annual area travel authorizations except one's own (DD, A, F, O, FFM, FRA, P, E, W, ASC, and FOD). This authority may not be redelegated. Excludes authorizing the use of chartered aircraft. OSM Directive TRV-1 covers employees allowed to use area travel authorizations and areas of travel covered by area authorizations.

(g) Approve specific (trip) travel authorizations (FLS). Authorizing the use of chartered aircraft for travel is restricted to DD(A), and is subject to the criteria in OSM Directive TRV-1 on chartered aircraft, including documentation of a favorable cost comparison where charters are used for point to point travel. Approval of actual subsistence expenses, where, due to unusual circumstances, the maximum per diem allowance is less than the amount required to meet the actual and necessary subsistence expense of the traveler (DD(A)), depending upon the criteria applicable to the particular occasion and specified in OSM Directive TRV-1, 8-1.

(h) Approval of Requests for Travel Advances is restricted to the approval authority for area and trip travel as contained in paragraph (24)(f) and (g) above. Approval of payment of travel advances will occur only after review of outstanding balances.

(i) Approve travel vouchers (Official with delegated authority to approve travel authorization).

(j) Post approval of travel vouchers (restricted to approval authority who would normally have signed the travel authorization or his/her acting designee).

(k) Approval of premium class (business, first-class or equivalent) air accommodations may only be authorized by the Secretary, through the OSM Director and the Assistant Secretary, Land and Minerals Management. This includes upgrades of air accommodations to a premium class through the application of airline bonus credits. All such requests must be sent initially to DD(A). (See OSM Directive TRV-1, 3-2).

(l) Authorize travel of job applicants for pre-employment interviews (DD). This authority may not be redelegated. (Ref: The Master Delegation Agreement between OPM and DOI dated 8/23/84, 370 DM 230, Appendix 1).

(m) Authorize attendance at non-Government conference and meetings for which total OSM travel and per diem estimated expenditures exceed $5,000 (Assistant Secretary, Land and Minerals Management). When attendance at such conferences and/or meetings are arranged by Headquarters, approval will be obtained at the Headquarters level. Requests for approval should be by memorandum from the Director to the Assistant Secretary, Land and Minerals Management. All such requests will be processed through the Assistant Director, Finance and Accounting. Note: Non-Government means a conference or meeting sponsored by a society association, State or similar body which is not a part of the U.S. Government.

(n) Certify travel vouchers for payment (AMS, FPM and ASC).

(o) Approval of per diem payment for temporary duty conference and training travel, when the temporary duty station is located less than 50 miles but not less than 30 miles from the employee's official duty station or residence (D, may not be redelegated). Per diem payment for conference or training temporary duty travel within 30 miles of the employee's permanent duty station or residence may only be approved by the Assistant Secretary, Policy, Management and Budget.

(26) <u>Surface Mining Control and Reclamation Act (SMCRA) Delegations</u>.

(a) Designate authorized representatives of the Secretary and issue credentials per Section 517 of SMCRA (DD(O), O, P, and FOD), or 30 CFR 870.16(b) and (c) (DD(A), F, and FRA).

(b) Determine, in accordance with 30 CFR 722.16 or 843.13, whether a pattern of violations of any requirement of SMCRA, the regulations, or a permit condition imposed under SMCRA or regulations exists or has existed (FOD).

(c) Determine, in accordance with 30 CFR 722.16 or 843.13, whether such violations were caused by the unwarranted failure of the permittee to comply with any requirements of SMCRA or any permit conditions or were willfully caused by the permittee (FOD).

(d) Issue orders to show cause why OSM should not suspend or revoke the permit pursuant to a determination that a pattern of violations exists or existed and that such violations were caused willfully or by the unwarranted failure of the permittee, pursuant to 30 CFR 722.16 or 843.13 (O).

(e) Approve extensions of abatement dates beyond 90 days, pursuant to 30 CFR 722.12 or 843.12 (FOD).

(f) Sign receipts for civil penalty and AML reclamation fee payments (collection officers as designated by FFM and recommended for designation by E, W, and O).

(g) Approve findings of fact and declarations of emergency pursuant to Section 410 of SMCRA (E,W, after verification of fund availability); authorized expenditure of funds for emergency projects (E and W). E and W coordination with DBS is required prior to declaration if such declaration will deplete the operating budget allocation for emergency projects.

(h) Approve findings of fact and declaration of emergency projects pursuant to Section 410 of SMCRA for States with approved emergency programs (FOD, after verification of fund availability).

(i) Approve preparation of an environmental impact statement and grant approval to print and distribute draft and final environmental impact statements prepared pursuant to the National Environmental Policy Act (P). This authority cannot be redelegated.

(j) Approve Determination of Effects of Rules and Regulatory Impact Analyses prepared in accordance with E.O. 12291 (P). This authority cannot be redelegated.

(k) Approve Environmental Assessments, Findings of No Significant Impact, related Federal Register notices

prepared in the field and Environmental Assessments prepared by the States (P, W, and FOD Knoxville). Note: FODs may also approve State-prepared Environmental Assessments for AML projects.

(l) Determine the appropriateness of a State's response to a ten-day notice according to Section 521(a)(1) of SMCRA (FOD). This authority may be redelegated to Area Office Managers. After the determination is made, FOD may delegate authority to sign letters of appropriateness and/or inappropriateness.

(m) Render a decision in accordance with 30 CFR 842.11(b))(1)(iii) affirming, reversing, or modifying the written determination of the FOD where a State regulatory authority files a request for informal review of a ten-day notice (DD(O)).

(n) Issue, modify, terminate, and/or vacate Notices of Violation and Cessation Orders (authorized representatives designated in accordance with Section 517 of SMCRA).

(o) Issue notices of proposed assessments and notices of final assessment (civil penalties) (E, W, and FOD Knoxville).

(p) Settle claims and outstanding civil penalties less than $50,000 (FOD's); more than $50,000 (DD).

(q) Approve and terminate experimental practices and approval of variances (P, E and W, FOD Knoxville).

(r) Make compliance findings pursuant to Section 510(c) of SMCRA (DD(O), O, E, W, and FOD Knoxville).

(s) Approve, approve with conditions, or disapprove permit applications, revisions and amendments, and exploration permits for surface coal mining and reclamation operations where OSM is the regulatory authority and issue such permits (DD(O), O, W, and FOD Knoxville).

(t) Make determinations for challenges to Applicant/ Violator System (AVS) data and rebuttals of presumptive ownership and control determinations pursuant to section 510(c) of SMCRA and 30 CFR 773.5 (DD(O) and AVS).

(u) Approve and issue notices of proposed and actual recision of improvidently issued Federal permits in accordance with 30 CFR 773.21 (W and FOD Knoxville).

(v) Determine that there are no significant recreational timber, economic, or other values which may be incompatible with surface coal mining and reclamation operations on any Federal lands within the boundaries of any National forest under Section 522(e) of SMCRA (W and FOD Knoxville). All determinations require concurrence of the DD(O).

(w) Approve or disapprove notices of proposed rulemaking and final rules promulgating amendments to State programs pursuant to SMCRA and 30 CFR 732.17 (E and W, with FOD concurrence).

(x) Forfeit bonds in Federal Program States and on Federal Lands (E, W, and FOD).

(y) Approve briefing papers in connection with emergency and non-emergency projects (E and W).

(z) Waive liens under 30 CFR 882.13 (E and W).

(aa) Conduct an informal review under 30 CFR 842.15 of an authorized representative's decision not to inspect or take appropriate enforcement action with respect to any violation alleged by a person in a request for Federal inspection under 30 CFR 842.12 (O, and FOD where the original response was from an Area Office).

(bb) Sign responses to requests for Federal inspection (citizen complaints) under 30 CFR 842.12 (O, FAO, and FOD).

(cc) Release performance bonds including the acceptance of bond riders (W and FOD Knoxville).

(dd) Approve or disapprove notices of proposed rulemaking and final rules promulgating amendments to AML plans pursuant to 30 CFR 884.15 (E and W, with FOD concurrence) except for removal of conditions of AML Plans and final rules to assume the emergency programs.

(ee) Announce proposed rules for removal of conditions of AML Plans and approve or disapprove final rules concerning AML Plan amendments for States to assume responsibility for the AML Emergency Program (DD(O)).

4. Reporting Requirements. None.

5. References. Departmental Manual, 200 Series, 116 DM 1-4.

6. Effect on other Documents. Supersedes Directive OPM-5 dated 5/12/89, and amendments thereto.

7. Effective Date.

8. Contact. Deputy Director, Administration and Finance.