

LABORNET

Secretary's Order 05-2020 – Delegation of Authorities and Assignment of Responsibilities to the Chief Human Capital Officer

Date: June 10, 2020

1. **Purpose.** This Secretary's Order (Order) delegates authority and assigns responsibilities for implementation of the Chief Human Capital Officers Act, and consolidates the delegations of authority and assignments that incorporate all human resources management functions that address selecting, developing, training, and managing a high-quality, and productive workforce.

2. **Authorities and Directives Affected.**

A. **Authorities.** This Order is established pursuant to the following authorities.

1. P.L. 85-67, Title I, § 101, 71 Stat. 210, as amended
2. P.L. 93-508, the Vietnam Era Veterans Readjustment Assistance Act of 1974
3. P.L. 95-452, the Inspector General Act of 1978
4. P.L. 95-454, the Act to Reform the Civil Service Laws of 1978
5. P.L. 105-270, the Federal Activities Inventory Reform Act (FAIR) of 1998
6. P.L. 107-296, the Chief Human Capital Officers Act of 2002
7. P.L. 114-95, the Rehabilitation Act of 1973, as amended
8. 5 U.S.C. §§ 1-13, 301, 302(b), 3111, 1402, 2101-7106, 7201 & 8331
9. 5 e-CFR § 720 (2020)
10. 29 U.S.C. §§ 551, 563, 701 & 791
11. 38 U.S.C. §§ 4212 & 4214 (2018)
12. The Equal Employment Opportunity Commission's Management Directive 715, EEO MD-715 (2003)
13. Such additional Federal acts that from time to time may assign to the Secretary or the Department duties and responsibilities similar to those listed above, as directed by the Secretary.

B. **Directives Affected.**

1. This Order repeals and supersedes Secretary's Order 03-2008, Delegation of Authorities and Assignment of Responsibilities to the Chief Human Capital Officer and Others.

2. All Secretary's Orders and other DOL documents (including policies and directives) that refer to Secretary's Order 03-2008 shall be construed as amended to refer to this Order instead.
 3. Delegations or transfers of authority made by the Assistant Secretary for Administration and Management (ASAM) pursuant to Secretary's Order 03-2008, including without limitation all delegations and transfers of authority made through the Department of Labor Manual Series (DLMS) and the Department of Labor Personnel Regulations (DPR) will continue in effect unless and until modified or terminated by the ASAM or Chief Human Capital Officer (CHCO) pursuant to the proper exercise of authorities and responsibilities duly assigned by law or delegated by the Secretary to the ASAM or CHCO.
 4. Except as otherwise provided in this Order, all other Orders, instructions, directives, and memoranda of the Secretary of Labor and other departmental officials, or portions thereof, are superseded to the extent they are inconsistent with this Order.
3. **Background.** The Chief Human Capital Officers Act of 2002 (CHCO Act) was enacted as part of the Homeland Security Act of 2002 (Pub. L. No. 107-296, § 1301 *et seq.*) on November 25, 2002. The CHCO Act requires the Department to establish the position CHCO to advise and assist the Secretary and other Department officials in carrying out the Department's responsibilities for selecting, developing, training, and managing a high-quality and productive workforce in accordance with merit system principles; implement the rules and regulations of the President and the Office of Personnel Management and the laws governing the civil service within the Department; and carry out such functions as the primary duty of the CHCO. This Order consolidates, delegates, and assigns authority and responsibilities for human capital functions within the Department to the CHCO and other Department officials consistent with the CHCO Act.
4. **Establishment of the Chief Human Capital Officer in the Department of Labor.** The Secretary shall designate the CHCO to a senior executive who has human capital management as their primary duty. The CHCO advises the Secretary and Deputy Secretary of Labor on human resources matters.
5. **Delegation of Authorities and Assignment of Responsibilities to the CHCO.**
- A. The CHCO will have the authorities and responsibilities that are assigned to the CHCO by the CHCO Act.
 - B. Subject to the Reservations of Authority in this Order, and to the extent that they are not otherwise assigned to the CHCO by the CHCO Act or by law to another official, the CHCO is hereby delegated all authority and assigned all responsibility vested in the Secretary for human capital management within the Department, including the following:
 1. Providing leadership and management of human resources services and practitioners of the Office of Human Resources;
 2. Executing position management, classification, and personnel actions;
 3. Recruiting, examining, and selecting candidates for positions within the Department, in full conformity with applicable laws and regulations;
 4. Establishing and administering the Department's personnel performance management and awards systems;
 5. Establishing and administering programs for pay and benefits, as well as programs for improving the quality of work life for DOL employees;
 6. Ensuring an effective human resources accountability system;
 7. Supporting DOL agencies in fulfilling the Department's responsibilities under the Federal Activities Inventory Reform Act of 1998 (FAIR Act), in regard to necessary and appropriate planning and implementation of human capital management activities;
 8. Reviewing periodically the adequacy of DOL and DOL agency succession directives;
 9. Establishing and implementing a system of metrics for assessing the management of human capital within the Department;

10. Developing, administering, coordinating, and managing the Department's internal labor-management relations program, except in dealings between the Office of Labor Management Standards (OLMS) and National Union of Labor Investigators (NULI), which shall be the responsibility of the Director, OLMS; and
11. Performing such additional duties as may be assigned to the CHCO by applicable law, regulation, authority, Executive Order, directive or direction by the Secretary.

6. Other Delegations of Authority and Assignments of Responsibility.

A. Agency Heads are delegated authority and assigned responsibility as set forth below.

1. Exercising such authorities and responsibilities for achieving the agency mission, identifying personnel needs, establishing office structure, selecting and training employees, and conducting any personnel management activities within the Agency that have been previously delegated to the Agency Head. These authorities must be handled in accordance with merit system principles and all applicable laws, regulations, and Departmental policies.
2. Communicating personnel needs to the CHCO, and consulting, advising, and assisting the CHCO in fulfilling the responsibilities in section V of this Order.
3. Implementing uniformly the Department's internal labor-management relations program across each official's respective Agency, to include, but not limited to:
 - a. Ensuring that collective bargaining agreements are observed;
 - b. Ensuring that supervisors and managers discharge their labor-management responsibilities constructively;
 - c. Providing information to the Office of the CHCO on the nature of problem areas requiring policy development or interpretation;
 - d. Formulating proposals for consultation and contract negotiations;
 - e. Participating, through their designees, in the contract negotiation process; and
 - f. With the exception of the Office of Inspector General (OIG), reviewing agency positions for potential coverage under the law enforcement retirement system and for presenting such coverage decisions to the ASAM for determination.

B. The Director, OLMS is delegated authority and assigned responsibility for administering the internal labor-management relations program as it applies to OLMS and its bargaining relationship with NULI.

C. The Solicitor of Labor is delegated authority and assigned responsibility for providing legal advice and counsel to the Department and agencies relating to the administration and implementation of this Order and the authorities listed above, including without limitation, providing counsel to the Secretary, ASAM, CHCO, Agency Heads, managers, and supervisors. The Solicitor of Labor shall have responsibility for legal advice and assistance through opinions and interpretations of applicable laws and regulations. The bringing of, and defense against, legal proceedings under the authorities cited herein, the representation of the Department, the Secretary, and other officials of the Department, and determinations of whether such proceedings or representations are appropriate in a given case, are delegated exclusively to the Solicitor, except for internal labor-management relations proceedings before an arbitrator, for which the responsibility for representing the Department will be coordinated with the CHCO or their designee(s).

7. Exceptions; Administrative Matters. The requirements of this Order are intended to be general in nature, and accordingly shall be construed and implemented consistent with more specific requirements of any statute, Executive Order, or other legal authority governing the collection, storage, and

management of data. In the event of a conflict, the specific statute, Executive Order, or other legal authority shall govern.

8. Reservations of Authority.

- A. The Secretary of Labor retains all authorities delegated herein and has the final authority for all internal labor-management relations within the Department; such authority includes, without limitation, the establishment of negotiation parameters with respect to labor-management relations.
- B. The submission of reports and recommendations to the President and Congress concerning the administration of statutory or administrative provisions is reserved to the Secretary of Labor.
- C. The Secretary retains the authority to make coverage decisions under 5 U.S.C. § 8331(20) and 5 U.S.C. § 8401(17), in accordance with regulations at 5 C.F.R. §§ 831.901-911 and 5 C.F.R. §§ 842.801-809 (law enforcement retirement) for positions within the Department, except within the OIG.
- D. The Inspector General retains the authority to make coverage decisions under 5 U.S.C. § 8331(20) and 5 U.S.C. § 8401(17), in accordance with regulations at 5 e-C.F.R. §§ 831.901-911 and 5 e-C.F.R. §§ 842.801-809 with respect to OIG law enforcement officers.
 - 1. The Inspector General Act of 1978, as amended, Section 6(e), establishes the OIG as a separate agency, for purposes of Sections 8335(b), 8336, 8344, 8414, 8468, and 8425(b); and for purposes of all provisions relating to the Senior Executive Service (SES). With respect to these statutory provisions, the Inspector General possesses the functions, powers, and duties of an agency head or appointing authority.
 - 2. The Inspector General will act as the agency head for law enforcement officer positions in the OIG, retaining full authority to establish, classify, select, and fill such positions that are established by and report to the Inspector General.
 - 3. The Inspector General will also act as the Department head with respect to authorities related to separation, retirement, and reemployment of law enforcement officer positions in the OIG.
- E. Nothing in this Order shall be interpreted to alter, limit, or otherwise affect the authorities or responsibilities of the OIG under the Inspector General Act of 1978, as amended, or under Secretary's Order 04-2006 (February 21, 2006).
- F. This Order does not affect the authorities and responsibilities of the Chief Financial Officer under the Chief Financial Officers Act of 1990, or Secretary's Order 02-2018, Authority and Responsibilities for Implementation of the Chief Financial Officers Act of 1990 and Related Legislation (May 14, 2018).
- G. The Secretary retains the sole authority to grant exemptions to the mandatory retirement provisions of 5 U.S.C. §§ 8335(b) & 8425 pertaining to the mandatory retirement of law enforcement officers in the Department, except for law enforcement officers in the OIG.
- H. The Secretary retains all authority concerning personnel actions involving SES and Senior Level (SL) positions and employees within the Department, except that the authority to approve the voluntary reassignment of SES and SL employees within the Department is delegated to the CHCO with the concurrence of the DOL Agency Head(s) involved. This authority does not apply to SES and SL positions located within the OIG.
- I. The Solicitor of Labor is delegated responsibilities for overseeing the full range of day-to-day human resource operations and services for SOL National Office employees in accordance with Departmental human resources policies and guidance.

9. Effective Date. This Order is effective immediately.

EUGENE SCALIA, Secretary of Labor

Date

Department of Labor Manual Series (DLMS)

DLMS 6 - Employee Relations

DLMS 6-700: Re-delegation of Human Resource Management Authority

- 700 – Redelegation of Human Resource Management Authority
- 701 – Purpose
- 702 – Scope
- 703 – Authority
- 704 – Directives Affected
- 705 – Redelagation of Authority
- 706 – Organization and Relationship of Regional Human Resource Offices
- 707 – Actions Concerning Expert and Consultant Positions
- 708 – Appeals from Regional Human Resource Management Determinations
- 709 – Further Redelegation

700 Redelegation of Human Resource Management Authority

701 Purpose

To redelegate authority for human resource management (HRM) within the Department of Labor (DOL).

702 Scope

This re delegation applies to HRM activities and official personnel actions in both the competitive and excepted services.

Nothing in this chapter shall contravene nor interfere with the authorities and responsibilities granted to the Office of Inspector General (OIG) by the Inspector General Act of 1978, as amended, or Secretary's Order 04-2006.

703 Authority

This re delegation is issued pursuant to the Secretary's Order 03-2008, dated July 2008, containing the basic delegation to the Chief Human Capital Officer and Others.

704 Directives Affected

This chapter updates and supersedes DLMS 6-700, Redefinition of Personnel Authority, issued September 2002. All directives inconsistent with this chapter are superseded to the extent of the inconsistency.

The Office of Inspector General (OIG) and the Department will continue to abide by the Memorandum of Understanding between OIG and OASAM which delegated personnel authority to the Inspector General. The MOU became effective August, 1988.

705 Redefinition of Authority

Certain HRM authorities and responsibilities are hereby re delegated to the following listed officials of the Department. Exercise of the re delegated authorities and responsibilities is subject to budgetary and employment limitations, and to applicable laws, Office of Personnel Management (OPM) and DOL regulations, policies, standards, agreements, and procedures.

- A. DOL Agency Heads, as specified in DLMS 1-100, Office of the Secretary, with the exception of the OIG, are hereby delegated authority and assigned responsibility to:

1. Approve personnel actions, including position classification actions, within the organizations they manage concerning positions in grades GS-15 and below, with the following exceptions:
 - a. Classification authority for national office positions in organizations that do not have a designated agency Human Resources Office is delegated to the Director of Human Resources, Human Resources Center (HRC), (hereinafter, "Director of Human Resources"). The Director of Human Resources, OASAM, shall redelegate this authority to a servicing Human Resources Office under the direction of the Human Resources Center.
 - b. Classification authority for regional positions GS-14 and below is delegated to the Regional Administrators, Office of the Assistant Secretary for Administration and Management (OASAM). DOL Agency Heads may request that this delegated classification authority be withdrawn. However, the Agency Head must provide a written request to HRC justifying the basis for withdrawing the authority. Classification authority for agency regional positions at GS-15 may be redelegated by the DOL Agency Head to the Regional Administrators, OASAM.
 - c. Classification authority for standard position descriptions that apply to more than one DOL Agency or region is delegated to the DOL Director of Human Resources.
 - d. Classification authority for DOL Human Resources Officer positions is delegated to the DOL Director of Human Resources.
 - e. Personnel management authority for regional staff at grades GS-14 and below is delegated to the respective DOL Agency's regional officials. Personnel management authority for regional staff at grades GS-15 may be redelegated to Agency regional officials, at the option of Agency Heads. Personnel management authority refers to the responsibilities assigned to management officials to make decisions about the organization of work and selection and utilization of human resources of the Department. It does not include personnel administration responsibilities performed by servicing DOL Human Resources Offices.
 - f. The above optional redelegations must be in writing.
2. Recruit, examine, and select for positions within their respective organizational jurisdictions.
3. Initiate and send recommendations to the Director of Human Resources for Secretarial approval of all personnel actions for Senior Level and Senior Executive Service positions involving accessions, pay changes, reassignments, and adverse actions.
4. Provide for technical program training of employees, as needed. Cooperate with Department-wide and regionwide programs of common-need employee development and training.

5. Ensure uniform compliance with Departmental human resources policies and standards within their organizational jurisdictions. Departmental human resources policies, procedures, standards, and forms may be established or changed only by the Director of Human Resources.
6. Develop and administer agency performance management and award programs in conformance with the policy and structure of the DOL Performance Management System.
7. Ensure that agency human resources specialists participate in HRM accountability reviews. The Director of Human Resources will cover all associated travel costs for agency human resources specialists who participate in reviews outside their agency.

DOL Agency Heads will delegate these personnel administration responsibilities to the servicing Human Resources Offices.

B. The Regional Administrators, OASAM, are hereby delegated authority and assigned responsibility to carry out the following HRM activities. Regional Administrators may redelegate such authorities to Regional HR Officers:

1. Approve classification actions for DOL positions at grades GS-1 through 14 within their own OASAM organization, and for DOL Agency regional positions at grades GS-1 through 14 in all DOL Agencies, and at higher grades, if so redelegated in writing by the DOL Agency Head.
2. Recruit and examine for all positions for which classification authority has been delegated to the regions, in coordination with the interested DOL agencies and with the Human Resources Center.
3. Initiate, coordinate, and conduct or provide for employee development and training programs (except for technical program training, which remains the responsibility of each respective DOL Agency Head). These activities are to be carried out in coordination and integration with Department-wide programs.
4. Provide leadership at the regional level to ensure compliance with Departmental human resources policies and standards.
5. Coordinate and direct evaluation of regional HRM programs and activities, in accordance with Departmental policy and HRC guidance.
6. Ensure that regional human resources specialists participate in HRM accountability reviews. The Director of Human Resources will cover all associated travel costs for agency human resources specialists who participate in reviews outside their agency.
7. Direct the day-to-day administration, within the region, of Departmental labor management relations policies, regulations, and agreements.

C. The Director of Human Resources, Human Resources Center, OASAM, is hereby delegated authority and assigned responsibility to guide, coordinate, and review the HRM activities of the Department, including but not limited to the following:

1. Establish exclusively and implement all Department-wide personnel policies, procedures, standards, and forms. The Director of Human Resources, under the direction of the Assistant Secretary for Administration and Management (ASAM), will seek the views of the DOL Agency Heads in carrying out this responsibility. In addition, the Director of Human Resources will call upon the DOL Agency Heads and Regional Administrators, OASAM, for suggested revisions, additions, and deletions to Departmental Human Resources policies, procedures, standards, and forms.
 2. Evaluate the propriety and effectiveness of HRM programs and activities in the DOL Agencies and regions, directing corrective actions, as appropriate.
 3. Direct the coordination of nationwide and special recruitment activities.
 4. Coordinate, as appropriate, common human resources service functions in the Washington, D.C. area, such as reception and referring of applicants for employment to the appropriate servicing human resources office.
 5. Direct the operation of Departmental employee development and lifelong learning programs.
 6. Direct the operation of programs to promote improved quality of worklife for DOL employees and to encourage family-friendly initiatives.
 7. Direct Departmental labor management relations policies, regulations, and agreements.
 8. Direct the provision of human resources services to the Office of the Secretary and Deputy Secretary and to positions in those agencies and organizations in the national office that do not have an otherwise designated Agency Human Resources Office.
 9. Direct the provision of human resources services to the Department's SES, SL, and Schedule C staff.
 10. Direct the operation of workforce planning and recruitment activities that address Departmental workforce needs, and coordinate with the Civil Rights Center on special emphasis initiatives and outreach activities to address under-representation of targeted groups including minorities and individuals with disabilities; and prepare and provide workforce data for annual reports and plans in this area.
- D. DOL Managers and Supervisors may be delegated authority to make decisions about the organization of work and the selection and utilization of the workforce within their organizational jurisdiction. This includes such matters as, but is not limited to, assigning duties, determining work priorities, selecting employees, making acceptable level of competence determinations, appraising performances, taking corrective actions, approving leave, approving training, quality step increases, performance awards, and overtime, recommending and/or deciding adverse actions, and recommending position and human resources actions in accordance

with the policies of the Department and their organizations. Authority so delegated must be reflected in official organizational statements, internal delegations authority, position descriptions, or performance plans.

Managers and Supervisors will consult with their servicing HR Offices to ensure compliance with the complexity of statutory, regulatory and collective bargaining agreement requirements involved in administering human resources services for their organizations.

E. DOL Human Resources Officers are designated as appointing officials. As such, they are delegated authority to:

1. Direct the day-to-day administration within their respective offices of all required Departmental human resource programs, policies, standards, activities, and services.
2. Make the necessary legal, regulatory, and policy compliance determinations with respect to, and effect personnel actions for appointments, promotions, changes to lower grade, and reassignments of personnel to positions in the competitive and excepted services; suspensions and involuntary separations of personnel; and pay changes and any other personnel actions authorized by law, regulation, or policy.
3. Effect nondiscretionary actions. A nondiscretionary action is one in which the appointing authority has neither administrative discretion as to whether to take action nor leeway to determine the nature of the action. Examples of nondiscretionary actions are resignations and optional or mandatory retirement.
4. Propose and decide adverse actions for employees under their appointing authority when those adverse actions are necessary to resolve personnel administration issues; for example, remove an employee from a position to which he or she was erroneously promoted in violation of a regulation or downgrade an employee to correct a classification error when the employee is not entitled to grade retention. This provision does not preclude a line management official from proposing or deciding the action.

706 Organization and Relationship of Regional Human Resource Offices

A. The DOL Regional Human Resource Offices shall provide the sole human resource support, within delegated authority, to regional organizations for employees of DOL Agencies. HR support involves but is not limited to HRM decisions, to administer human resources programs and activities, and to effect personnel actions; and reserves certain matters for approval in the Office of the Secretary, and reflect organizational changes and various delegations and reservations of authority.

B. The authority delegated or redelegated to DOL Regional Human Resources Offices is to be exercised in conformity with personnel laws and regulations, Department policies, and conditions or limitations that are established by the Secretary, the Deputy Secretary, or the Director of Human Resources.

707 Actions Concerning Expert and Consultant

- A. With the exception of appointments under paragraph 107E, no personnel action, other than separation and automatic pay adjustment, involving an expert or consultant position in the National Office or the field shall be effected by the DOL Agency or region until the proposed action is approved by the ASAM.
- B. When forwarded to the ASAM for final approval, each appointment or extension of appointment to an expert or consultant position shall be documented in accordance with the applicable policies, rules, and regulations. This process involves approval by the Chairman, Procurement Review Board.
- C. The request for personnel action for the appointment or extension of appointment of an expert or consultant shall be signed by the appropriate Agency Head. This authority may not be further delegated.
- D. No expert or consultant can officially enter on duty until approval has been received. Any who enter on duty prior to approval may not be paid for duty prior to the date of approval.
- E. The authority for the appointment of experts under the Voluntary Protection Program (VPP) in the Occupational Safety and Health Administration (OSHA), Directorate of Federal-State Operations, Office of Cooperative Programs, Division of Voluntary Programs, who serve without compensation, is hereby delegated to the Assistant Secretary for Occupational Safety and Health.

708 Appeals from Regional Human Resource Management Determinations

In the event of a significant HRM dispute between an agency regional management official and a Regional Human Resource Officer, the Regional Administrator, OASAM, will attempt to resolve the issue prior to forwarding the matter to the Department. If the dispute cannot be resolved at the regional level, it will be elevated to the DOL Director of Human Resources. The views of the appropriate DOL Agency Head will be sought. The ASAM will resolve any disputes that cannot be resolved between the Agency Head and the Director of HR.

709 Further Redelegation

The DOL Agency Heads and Regional Administrators, OASAM, may further redelegate the authorities delegated to them in paragraphs 105A-B of this chapter, as necessary, for efficient human resource management. Such redelegations must be in writing and made available upon request to the agency administrative officer.

Last Updated: February 18, 2021

For general DOL Manual Series (DLMS) questions or concerns, please email DLMSClearance@dol.gov.
