

§ 2.92

(ix) Section 113(k) of the Act (42 U.S.C. 9613(k)), with respect to establishing an administrative record upon which to base the selection of a response action and identifying and notifying potentially responsible parties;

(x) Section 116(a) of the Act (42 U.S.C. 9616(a)), with respect to preliminary assessment and site inspection of facilities;

(xi) Sections 117 (a) and (c) of the Act (42 U.S.C. 9617 (a) and (c)), with respect to public participation in the preparation of any plan for remedial action and explanation of variances from the final remedial action plan for any remedial action or enforcement action, including any settlement or consent decree entered into;

(xii) Section 119 of the Act (42 U.S.C. 9619), with respect to indemnifying response action contractors;

(xiii) Section 121 of the Act (42 U.S.C. 9621), with respect to cleanup standards; and

(xiv) Section 122 of the Act (42 U.S.C. 9622), with respect to settlements, but excluding section 122(b)(1) of the Act (42 U.S.C. 9622(b)(1)), related to mixed funding agreements.

(13) With respect to facilities and activities under his or her authority, to exercise the authority of the Secretary of Agriculture pursuant to section 1-102 related to compliance with applicable pollution control standards and section 1-601 of Executive Order 12088, 3 CFR, 1978 Comp., p. 243, to enter into an inter-agency agreement with the United States Environmental Protection Agency, or an administrative consent order or a consent judgment in an appropriate State, interstate, or local agency, containing a plan and schedule to achieve and maintain compliance with applicable pollution control standards established pursuant to the following:

(i) Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as further amended by the Hazardous and Solid Waste Amendments, and the Federal Facility Compliance Act (42 U.S.C. 6901 *et seq.*);

(ii) Federal Water Pollution Prevention and Control Act, as amended (33 U.S.C. 1251 *et seq.*);

(iii) Safe Drinking Water Act, as amended (42 U.S.C. 300f *et seq.*);

(iv) Clean Air Act, as amended (42 U.S.C. 7401 *et seq.*);

(v) Noise Control Act of 1972, as amended (42 U.S.C. 4901 *et seq.*);

(vi) Toxic Substances Control Act, as amended (15 U.S.C. 2601 *et seq.*);

(vii) Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 *et seq.*); and

(viii) Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9601 *et seq.*).

(b) [Reserved]

§ 2.92 Director, Office of Personnel.

(a) *Delegations.* Pursuant to § 2.24 (a)(4), (a)(5) and (a)(7), subject to reservations in § 2.24(b)(1), the following delegations of authority are made by the Assistant Secretary for Administration to the Director of Personnel:

(1) Authority to formulate and issue Department policy, standards, rules and regulations relating to personnel.

(2) Provide personnel management procedural guidance and operational instructions.

(3) Design and establish personnel data systems.

(4) Inspect and evaluate personnel management operations and issue instructions or take direct action to insure conformity with appropriate laws, Executive orders, Office of Personnel Management rules and regulations, and other appropriate rules and regulations.

(5) Exercise final authority in all personnel matters, including individual cases, that involve the jurisdiction of more than one General Officer.

(6) Receive, review, and recommend action on all requests for the Secretary's or Assistant Secretary for Administration's approval in personnel matters.

(7) Make final decisions on adverse actions except in those cases where the Assistant Secretary for Administration has participated, when it is determined that such adverse action is not being decided in a timely manner.

(8) Represent the Department in personnel matters in all contacts outside the Department.

(9) Specific authorities in the following operational matters:

Office of the Secretary, USDA

§ 2.92

- (i) Authorize cash awards above \$2,500;
 - (ii) Waive repayment of training expenses where employee fails to fulfill service agreement;
 - (iii) Establish or change standards and plans for awards to private citizens;
 - (iv) Execute, change, extend, or renew:
 - (A) Labor-Management Agreements; and
 - (B) Association of Management Officials or Supervisor's Agreements.
 - (v) Represent any part of the Department in all contacts and proceedings with the National Offices of Labor Organizations;
 - (vi) Change a position (with no material change in duties) from GS to a pay system other than a wage system, or vice versa;
 - (vii) Grant restoration rights, and release employees with administrative re-employment rights;
 - (viii) Change working hours for groups of 50 or more employees in the Washington, DC metropolitan area;
 - (ix) Authorize any mass dismissals of employees in the Washington, DC metropolitan area;
 - (x) Approve "normal line of promotion" cases in the excepted service where not in accordance with time-in grade criteria;
 - (xi) Make final decisions on adverse action and performance rating appeals in all cases where the Deciding Official:
 - (A) Was involved directly in the adverse action, or performance rating appeal; or
 - (B) Made the informal decision; or
 - (C) Determines that the Examiner's findings or Committee's recommendations is unacceptable.
 - (xii) Make the final decision on all classification appeals from agency appellate decisions;
 - (xiii) Authorize all employment actions (except nondisciplinary separations and LWOP) and classification actions for senior level and equivalent positions including Senior Executive Service positions and special authority professional and scientific positions responsible for carrying out research and development functions;
 - (xiv) Authorize all employment actions (except LWOP) for the following positions:
 - (A) Schedule C; and
 - (B) Administrative Law Judge.
 - (xv) Authorize employment actions (accessions or extensions) for the following:
 - (A) Employees whose records are flagged; and
 - (B) Contract services.
 - (xvi) Authorize employment actions (accessions or extensions and transfers) for the following:
 - (A) Persons with criminal or immoral records;
 - (B) Persons separated for misconduct, delinquency, or resignation to avoid such action; and
 - (C) Veterans with dishonorable or other than dishonorable discharge.
 - (xvii) Authorize adverse actions for positions in GS-14-15 and equivalent;
 - (xviii) Approve assignments of White House details;
 - (xix) Authorize adverse actions based in whole or in part on an allegation of violation of 5 U.S.C. chapter 73, subchapter III, for employees in the excepted service;
 - (xx) Authorize long-term training in programs which require Department-wide competition;
 - (xxi) Issue all Coordinated Federal Wage Systems (CFWS) Department-wide Wage Schedules, and Lithographic Wage Schedules in the Washington, DC Metropolitan Area; and
 - (xxii) Initiate and take adverse action in cases involving a violation of the merit system.
- (10) As used herein, the term personnel includes:
- (i) Position management;
 - (ii) Position classification;
 - (iii) Employment;
 - (iv) Pay administration;
 - (v) Automation of personnel data and systems design;
 - (vi) Hours of duty;
 - (vii) Performance evaluation and standards;
 - (viii) Promotions;
 - (ix) Employee development;
 - (x) Incentive programs;
 - (xi) Leave;
 - (xii) Retirement;
 - (xiii) Program evaluation;
 - (xiv) Social security;

§ 2.92

- (xv) Life insurance;
- (xvi) Health benefits;
- (xvii) Unemployment compensation;
- (xviii) Labor management relations;
- (xix) Intramanagement consultation;
- (xx) Security;
- (xxi) Discipline; and
- (xxii) Appeals.

(11) Provide personnel services, as listed in paragraph (a)(10) of this section, and organizational support services, with authority to take actions required by law or regulation for:

(i) The Secretary of Agriculture;

(ii) The general officers of the Department, except the Inspector General;

(iii) The offices and agencies reporting to the Assistant Secretary for Administration, except the National Finance Center; and

(iv) Provide such services as listed in paragraph (a)(11) of this section for any other officer or agency of the Department as may be agreed.

(12) Provide personnel services relating to defense responsibilities of the Department.

(13) The provisions of paragraphs (a)(9)(xiii) through (xvii) of this section shall not apply to positions in, or applicants for positions in, the Office of Inspector General.

(14) Maintain, review and update departmental delegations of authority.

(15) Authorize organizational changes which occur in:

(i) Departmental organizations:

(A) Service or office;

(B) Division (or comparable component); and

(C) Branch (or comparable component in departmental centers, only).

(ii) Field organizations:

(A) First organizational level; and

(B) Next lower organizational level—required only for those types of field installations where the establishment, change in location, or abolition of same requires approval in accordance with Departmental Regulation 1010-1, available from the Chief, Information Management Division, Office of Information Resources Management, Room 403-W, Administration Building, U.S. Department of Agriculture, Washington, DC 20250.

7 CFR Subtitle A (1-1-00 Edition)

(16) Formulate and promulgate departmental organizational objectives and policies.

(17) Provide staff assistance and support to the Department's Committee Management Officer.

(18) Formulate policies and procedures on the establishment and management of committees in the Department.

(19) Consult with GSA and Departmental agencies on the establishment and reestablishment of advisory committees.

(20) Establish Departmentwide safety and health policy and provide leadership in the development, coordination, and implementation of related standards, techniques, and procedures, and represent the Department in complying with laws, Executive orders and other policy and procedural issuances related to occupational safety and health within the Department.

(21) Represent the Department in all rulemaking, advisory or legislative capacities on any groups, committees, or Governmentwide activities that affect the USDA Occupational Safety and Health Management Program.

(22) Determine and/or provide Departmentwide technical services and regional staff support for the safety and health programs.

(23) Administer the computerized management information systems for the collection, processing and dissemination of data related to the Department's occupational safety and health programs.

(24) Administer the administrative appeals process related to the inclusion of positions in the Testing Designated Position listing in the USDA Drug-Free Workplace Program and designate the final appeal officer for that Program.

(25) Administer the Department's Occupational Health and Preventive Medical Program, as well as design and operate employee assistance and workers' compensation activities.

(26) Provide education and training on a Departmentwide basis for safety and health related issues and develop resource and operational manuals.

(b) *Reservation.* The following authority is reserved to the Assistant Secretary for Administration: Authorize

Office of the Secretary, USDA

§ 3.1

organizational changes occurring in a Department service or staff office which affect the overall structure of that service or office; i.e., require a change to that service or office's overall organization chart.

PART 3—DEBT MANAGEMENT

Subpart A—Settlement of Small or Old Debts

Sec.

- 3.1 Purposes of the act and regulations.
- 3.2 Definitions.
- 3.3 Settlement of indebtedness.
- 3.4 Investigations and findings.
- 3.5 Delegations of authority.
- 3.6 Forms and records.
- 3.8 Penalties.
- 3.9 Indebtedness referred to the Comptroller General or the Attorney General.
- 3.10 Scope of the act.

Subpart B—Debt Collection

- 3.21 Debt collection standards.
- 3.22 Definitions.
- 3.23 Collection by administrative offset.
- 3.24 Coordinating administrative offset with other Federal agencies.
- 3.25 Notice requirements before offset.
- 3.26 Exceptions to notice requirements.
- 3.27 Inspection of USDA records related to the debt.
- 3.28 Written agreements to repay debt as alternative to administrative offset.
- 3.29 Hearings and reviews.
- 3.30 Stay of offset.
- 3.31 Agency procedures.
- 3.32 Offset against amounts payable from Civil Service retirement and disability fund.
- 3.33 Offset of debtor's judgment against the United States.
- 3.34 Interest, penalties and administrative costs.
- 3.35 Disclosure to a credit reporting agency.
- 3.36 Use of collection agencies.

Subpart C—Salary Offset

- 3.51 Scope.
- 3.52 Definitions.
- 3.53 Coordinating offset with another Federal agency.
- 3.54 Determination of indebtedness.
- 3.55 Notice requirements before offset.
- 3.56 Request for a hearing.
- 3.57 Result if employee fails to meet deadlines.
- 3.58 Hearings.
- 3.59 Written decision following a hearing.
- 3.60 Review of Departmental record related to the debt.

- 3.61 Written agreement to repay debt as alternative to salary offset.
- 3.62 Procedures for salary offset: When deductions may begin.
- 3.63 Procedures for salary offset: Types of collection.
- 3.64 Procedures for salary offset: Methods of collection.
- 3.65 Procedures for salary offset: Imposition of interest, penalties and administrative costs.
- 3.66 Nonwaiver of rights.
- 3.67 Refunds.
- 3.68 Agency regulations.

Subpart D—Cooperation with the Internal Revenue Service

- 3.81 Reporting discharged debts to the Internal Revenue Service.
- 3.82 Offset against tax refunds.

Subpart E—Adjusted Civil Monetary Penalties

- 3.91 Adjusted civil monetary penalties.

Subpart A—Settlement of Small or Old Debts

AUTHORITY: Sec. 1, 58 Stat. 836; 12 U.S.C. 1150.

SOURCE: 10 FR 807, Jan. 23, 1945, unless otherwise noted. Redesignated at 13 FR 6903, Nov. 24, 1948.

§ 3.1 Purposes of the act and regulations.

The principal purposes of the act and of the regulations in this part are to provide means of:

- (a) Settling, by compromise, adjustment or cancellation relatively small debts long past due and owing to the Government arising from loans or payments made under farm programs administered by the Department;
- (b) recovering by the Department of substantial sums which are found uncollectible when the indebtednesses are treated as full obligations, and which otherwise would probably never be collected;
- (c) clearing the accounts of balances so small as not to warrant continued efforts of collection; and
- (d) the clearing of the accounts of the records of indebtedness made uncollectible by reason of the death or disappearance of the debtors.

The existence of the act will neither serve as grounds for any relaxation in