

HUMAN RESOURCES DELEGATIONS OF AUTHORITY
Title 5 Human Resources Administration and Management Authorities
for SES, SL, and ST Positions

DELEGATIONS OF AUTHORITY as of 9/9/2004	LEVELS OF DELEGATION AUTHORIZED				REDELEGATION AUTHORIZED NO; YES-TO WHOM	RESTRICTIONS/ COMMENTS	OHR DIVISION RESPONSIBLE
	OPM/OGC HHS OFFICIAL	OD NIH OFFICIAL	OHR NIH OFFICIAL	IC OFFICIAL			
ACTIONS - NON-CAREER EXECUTIVES							
1. To approve <u>all</u> personnel actions that affect <u>non-career</u> executives	Secretary				NO		CSD
ADVERSE ACTIONS							
1. To remove executives from the SES (career) for reasons of conduct, performance, or abolished position; reduce ES level and/or pay; or approve suspension		Dir, NIH DDM, NIH	Dir, OHR	Dep Dir, NIH IC Dirs	YES TO: Officials designated by the IC Director		WRD
2. To remove from the SL and ST for reasons of conduct, performance, or abolished position; reduce pay; or approve suspension		Dir, NIH	Dir, OHR	Dep Dir, NIH IC Dirs	YES TO: Officials designated by the IC Director		WRD
ALLOCATION OF EXECUTIVE LEVEL POSITIONS [Senior Executive Service (SES), Senior Level (SL), and Scientific and Professional (ST)]							
1. To allocate the number of SES, SL, and ST positions to the NIH	Secretary				NO	SES slots that become vacant will revert immediately to the Department. There is no automatic backfill of positions. Requests for SES slots will be evaluated based on the extent to	CSD

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						which they align with the Administration's priorities	
ALTERNATIVE WORK SCHEDULES							
1. To modify existing flexible work schedules (flexitour, gliding schedules, variable day, variable week, and maxiflex); and compressed work schedules (5/4-9; 4-10; 3-13) within the parameters of the regulations		Dir, NIH	Dir, OHR	Dep Dirs, NIH Assc Dirs, NIH IC Dirs	YES TO: IC EOs	Modifications to these models requires technical review by the IC AWS Coordinator and the IC HR Office. Copies of new models should be submitted to Dir, OHR, through SPT, OHR, for approval The earning and use of credit hours by executives of the SES is prohibited. However, SES executives may participate in AWS.	WRD
APPOINTING AUTHORITY							
1. To effect (process): -appointments, promotions, and		Dir, NIH DDM, NIH	Dir, OHR Dep Dir,		NO		CSD

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reassignments; -suspensions and involuntary separations of personnel; -pay changes and any other personnel actions authorized by law or regulation; -non-discretionary actions			OHR Dir, DESB, OHR				
APPOINTMENTS							
1. To approve SES (career), Senior Level (SL) and Scientific and Professional (ST) appointments		Dir, NIH*			NO	*The Secretary's concurrence is required before the action can be effected	CSD
2. To approve appointments of non-flag Commissioned Officers into SES equivalent positions		Dir, NIH*			NO	*The Secretary's concurrence is required before the action can be effected	CSD
AWARDS (MONETARY)							
1. To approve nomination of executives for Presidential Rank Awards (Distinguished and Meritorious)	Secretary				NO		WRD
2. To recommend, in conjunction with the Dir, USOPM, the approval of an additional cash award of up to \$10,000 by the President	Secretary				NO		WRD
3. To grant cash awards based on special acts or services, inventions, and adopted employee suggestions in	Secretary				NO		WRD

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amounts between \$10,001-\$25,000 with prior approval of the USOPM							
4. To grant cash awards based on special acts or services, inventions, and adopted employee suggestions for individuals and groups NTE \$10,000		Dir, NIH DDM, NIH	Dir, OHR	Dep Dir, NIH IC Dirs	YES TO: Officials with sufficient knowledge to exercise this authority in accordance with law, regulation, and written policy PROVIDED the IC Director retains accountability	Employees may not receive (i.e. actually be paid) total compensation greater than EX-I within a calendar year. Total compensation above EX-I may be authorized but payment of the excess amount must be deferred, and "rolled over" for payment during the next calendar year Awards for SES members may not be used to circumvent the requirements and restrictions associated with the granting of SES performance bonuses	WRD
AWARDS (NON-MONETARY)							
1. To grant Departmental Honor Awards	Secretary				NO		WRD

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2. To approve nominations for all presidential and non-HHS awards officially submitted by the Department on behalf of the NIH	Secretary				NO		WRD
3. To recommend to the Secretary individuals or groups for Presidential, Departmental, or non-HHS awards		Dir, NIH			NO		WRD
4. To recommend to the Director, NIH, individuals or groups for Presidential, Departmental, or non-HHS awards					NO		WRD
5. To establish and grant honor awards in accordance with HHS Instruction 451-1, that are in addition to those prescribed Department-wide					NO		WRD
6. To recommend to the Director, NIH, the establishment of additional honor awards in accordance with HHS Instruction 451-1					NO		WRD
7. To approve and present the NIH Director's Award					NO		WRD
8. To recommend to the Director, NIH, recipients of the NIH Director's Award					NO		WRD
9. To approve and present the NIH Merit Award		Dir, NIHDDM, NIH	Dir, OHR	Dep Dirs, NIHAssc Dirs, NIH IC Dirs			WRD
10. To grant the 50-year length-of-	Secretary				NO		WRD

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service recognition							
11. To grant length-of-service recognition for less than 50 years of service		Dir, NIH DDM, NIH	Dir, OHR	Dep Dirs, NIH Assc Dirs, NIH IC Dirs	YES TO: Officials with sufficient knowledge and expertise to exercise this authority in accordance with law, regulation, and written policy		WRD
12. To sign retirement certificates		Dir, NIH DDM, NIH	Dir, OHR	IC Dirs	NO		WRD
13. To approve a time-off award NTE maximum time frames specified in the Employee Recognition and Awards Program Issuance		Dir, NIH DDM, NIH	Dir, OHR	Dep Dirs, NIH Assc Dirs, NIH IC Dirs	YES TO: Officials with sufficient knowledge and expertise to exercise this authority in accordance	Scheduling of time-off awards is subject to supervisor's approval At the IC's discretion, managers and supervisors may allow employees to participate in the	WRD

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					with law, regulation, and written policy	granting of time-off awards. Refer to the NIH Employee Recognition and Award Program issuance for policy guidance	
DETAILS							
<p>1. To approve and extend details to the Congress (Congressional Offices) and to the Executive Office of the President on a reimbursable/non-reimbursable basis</p> <p>NOTE: Details to the following Executive Offices of the President may be non-reimbursable for only 180 days in a fiscal year. Thereafter, details must be reimbursable for the rest of the fiscal year:</p> <ul style="list-style-type: none"> - The White House - The Executive Residence of the White House - The Office of the Vice-President - The Office of Policy Development - The Office of Administration 	ASAM, HHS				NO		CSD
2. To approve and extend details to or from interagency task forces, the Legislative (including the General Accounting Office, the Library of Congress and the Government Printing Office) and Judicial Branches on a	ASAM, HHS				NO		CSD

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reimbursable/non-reimbursable basis							
3. To approve details within NIH on a reimbursable/non-reimbursable basis		Dir, NIH DDM, NIH	Dir, OHR	Dep Dir, NIH IC Dirs	NO	Generally, details must be reimbursable. Non-reimbursable details are permitted where the details pertain to a matter similar or related to those ordinarily handled by the loaning IC/OPDIV in accomplishing a purpose for which its appropriations are provided or when the fiscal impact is negligible. Details must be processed in 120 day increments pursuant to 5 USC 3341	CSD
4. To approve all other details on a reimbursable/non-reimbursable basis		Dir, NIH DDM, NIH			NO	Generally, details must be reimbursable. Non-reimbursable details are permitted where the details pertain	CSD

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1. To approve IPA assignments		Dir, NIH*			NO	*The Secretary's concurrence is required before the action can be effected	CSD
KEY POSITIONS							
1. To designate key positions for executive succession		Dir, NIH*			NO	*The Secretary must concur in the selection of key executive positions	CSD
PAY - BASIC							
1. To set initial basic pay for SES appointees		Dir, NIH*			NO	*The Secretary's concurrence is required before the action can be effected	CSD
2. To set initial basic pay for SL and ST appointees		Dir, NIH			NO		CSD
PAY - PAY ADJUSTMENTS							
1. To approve adjustments to pay for SL and ST employees		Dir, NIH			NO		CSD
2. To approve annual SES pay adjustments		Dir, NIH			NO	By law, an SES member must have served at his/her current ES level a minimum of 1 year before a pay level adjustment may	CSD

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						<p>be effected and only one adjustment is permitted within any 12-month period.</p> <p>The initial establishment of a pay rate of a new SES appointee is considered a pay adjustment; however, the adjustment of ES rates by law or by action of the President at the same time the General Schedule rates are adjusted, and any change in the payable rate resulting solely from a change in the statutory pay cap, are not considered pay adjustments for purposes of this delegation of authority</p>	
PAY - PERFORMANCE BONUSES							
1. To establish overall SES Bonus Pools, within which individual bonus	Secretary				NO		CSD

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decisions will be made							
2. To approve performance bonuses for SES executives		Dir, NIH*			NO	*The Secretary's concurrence is required before the action can be effected	CSD
PAY - PHYSICIANS COMPARABILITY ALLOWANCE (PCA)							
1. To establish a PCA payment class within a PCA category and subcategory for a position or group of positions, based on a determination that recruitment and retention problems exist		Dir, NIH DDM, NIH	Dir, OHR		NO		CSD
2. To certify that a physician is required in a position; to approve and issue agreements regardless of salary, increases, or total payments; to grant exceptions to former members of uniformed services regardless of the situation for individuals who report directly to the Director, NIH; the Deputy Directors, NIH; or to IC Directors		Dir, NIH		NO		ICs must submit requests for approval through SPT, OHR	CSD
3. To certify that a physician is required in a position relative to the payment of PCA		Dir, NIH DDM, NIH	Dir, OHR	Dep Dir, NIH IC Dirs	YES TO: Officials with sufficient knowledge and expertise to exercise		CSD

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<p>5. To approve and issue PCA agreements (electronic form PHS-6106) and determine actual allowances to be paid to physicians</p> <p>when total compensation is \leq GS-15/10 (DC locality) provided cumulative discretionary increases are $<$\$30,000 within the preceding 52-week period</p>		Dir, NIH DDM, NIH	Dir, OHR	Dep Dir, NIH IC Dirs	<p>YES TO:</p> <p>Officials with sufficient knowledge and expertise to exercise this authority in accordance with law, regulation, and written policy</p> <p>PROVIDE D</p> <p>the IC Director retains accountability</p>	<p>Employees may not receive (i.e. actually be paid) total compensation greater than EX-I within a calendar year. Total compensation above EX-I may be authorized but payment of the excess amount must be deferred, and "rolled over" for payment during the next calendar year</p> <p>IC certification is required</p>	
<p>6. To grant exceptions to pay PCA to former members of uniformed services;</p> <p>- who retire with at least 20 years but fewer than 30 years of service and who do not have a break in service of at least one calendar year;</p> <p>- who resign and do not have a break in service of at least 90 days;</p>		Dir, NIH DDM, NIH	Dir, OHR	Dep Dir, NIH IC Dirs	NO	IC certification is required	CSD

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- or who do not have service in a civilian position for at least 90 days after leaving the Corps or have a combination of break-in-service and civilian service of at least 90 days							
7. To grant exceptions to pay PCA to former members of uniformed services: <ul style="list-style-type: none"> - who retire with 30 years - retire after reaching age 64 - retire on disability - who retire with at least 20 years but fewer than 30 years of service and who have a break in service of at least on calendar year - who resign and have a break in service of at least 90 days - or have service in a civilian position for at least 90 days after leaving the Corps or have a combination of break-in-service and civilian service of at least 90 days 		Dir, NIH DDM, NIH	Dir, OHR	Dep Dir, NIH IC Dirs	YES TO: Officials with sufficient knowledge and expertise to exercise this authority in accordance with law, regulation, and written policy	Waivers must be recommended by authorizing official. Approval of waivers must be at the next higher level or above. Copies of waiver recommendations and approval must be submitted to SPT, OHR for post-audit purposes	CSD
8. To determine the conditions under which repayment of PCA may be waived when an employee terminates a PCA service agreement with NIH due to circumstances beyond his/her control, and to approve requests for such waivers		Dir, NIH DDM, NIH	Dir, OHR	Dep Dir, NIH IC Dirs	YES TO: Officials with sufficient knowledge and expertise to exercise this authority in	Waivers must be recommended by authorizing official. Approval of waivers must be at the next higher level or above. Copies of waiver recommendations and approvals	CSD

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1. To terminate a career appointee from the SES during the probationary period for unacceptable performance or conduct under 5 USC 359.402/403		Dir, NIH	Dir, OHR	Dep Dir, NIH IC Dirs	YES TO: 1 st level supervisors	Terminations must be done in writing with WRD, OHR, providing technical assistance	WRD
To terminate a career appointee from the SES during the probationary period for conditions arising before employment, under 5 USC 359.404		Dir, NIH	Dir, OHR	Dep Dir, NIH IC Dirs	YES TO: Proposal letters may be redelegated to 1 st line supervisors Decision letters may be redelegated to 2 nd level supervisors	Terminations must be done in writing with WRD, OHR, providing technical assistance	WRD
REASSIGNMENTS							
1. To approve reassignments for SES, SL, and ST executives		Dir, NIH*			NO	*The Secretary's concurrence is required before the action can be effected	CSD
RECRUITMENT BONUSES							
1. To approve requests for recruitment bonuses for individuals who report directly to the Director, NIH; Deputy Director, NIH; or IC Directors		Dir, NIH			NO	ICs must submit requests for approval through SPT, OHR Employees may	CSD

						not receive (i.e. actually be paid) total compensation greater than EX-I within a calendar year. Total compensation above EX-I may be authorized but payment of the excess amount must be deferred, and "rolled over" for payment during the next calendar year	
2. To authorize a recruitment bonus in advance without further review and approval, i.e., CFR 575(104)(b)(2)		Dir, NIH			NO	ICs must submit requests for approval through SPT, OHR Employees may not receive (i.e. actually be paid) total compensation greater than EX-I within a calendar year. Total compensation above EX-I may be authorized but payment of the excess amount must be deferred, and "rolled over" for payment during the next calendar year	CSD
3. To approve individual recruitment bonuses of up to 25 percent of base pay		Dir, NIH			NO	ICs must submit requests for	CSD

<p>when necessary to:</p> <ul style="list-style-type: none"> - match current non-Federal salary; - match current non-Federal salary and fringe benefits - match a recent, written, competing, non-Federal salary offer for a similar position; and - compensate for cost of living disparity, as shown in a Runzheimer International Two-Location Comparison or comparable comparison, or a combination of cost of living and salary offer disparity 						<p>approval through SPT, OHR</p> <p>Employees may not receive (i.e. actually be paid) total compensation greater than EX-I within a calendar year. Total compensation above EX-I may be authorized but payment of the excess amount must be deferred, and "rolled over" for payment during the next calendar year</p>	
<p>4. To approve all requests for waivers of repayment of the prorata amount of recruitment bonuses for failure to complete service agreements, when waiver is required</p>		<p>Dir, NIH</p> <p>DDM, NIH</p>			NO	<p>ICs must submit requests for waivers of repayment through SPT, OHR</p>	CSD
REINSTATEMENTS							
<p>1. To approve reinstatements of executives into the SES</p>		Dir, NIH*			NO	<p>*The Secretary's concurrence is required before the action can be effected</p>	CSD
RELOCATION BONUSES							
<p>1. To approve requests for relocation bonuses for individuals who report directly to the Director, NIH; Deputy Director, NIH; or IC Directors</p>		Dir, NIH			NO	<p>ICs must submit requests for approval through SPT, OHR</p> <p>Employees may not receive (i.e. actually be paid)</p>	CSD

						total compensation greater than EX-I within a calendar year. Total compensation above EX-I may be authorized but payment of the excess amount must be deferred, and "rolled over" for payment during the next calendar year	
<p>2. To approve individual relocation bonuses of up to 25 percent base pay:</p> <ul style="list-style-type: none"> - after considering the success of recent recruitment efforts for similar positions, recent turnover in similar positions, applicable labor market factors, and the special qualifications needed for the position; - when necessary to compensate for cost of living disparity, as shown in a Runzheimer International Two-Location Comparison or comparable comparison; 		Dir, NIH			NO	<p>ICs must submit requests for approval through SPT, OHR</p> <p>Employees may not receive (i.e. actually be paid) total compensation greater than EX-I within a calendar year. Total compensation above EX-I may be authorized but payment of the excess amount must be deferred, and "rolled over" for payment during the next calendar year</p>	CSD
3. To approve all requests for waivers of repayment of the prorata amount of relocation bonuses for failure to		Dir, NIH			NO	ICs must submit requests for waivers through	CSD

complete service agreements, when waiver is required						SPT, OHRM	
RETENTION ALLOWANCES							
1. To approve requests for retention allowances for individuals who report directly to the Director, NIH; Deputy Director, NIH; or IC Directors		Dir, NIH				NO ICs must submit requests for approval through SPT, OHR RETENTION ALLOWANCES DO NOT "ROLL OVER" AND CANNOT BE AUTHORIZED IN AN AMOUNT THAT WOULD CAUSE TOTAL COMPENSATION TO EXCEED EX-I IN A CALENDAR YEAR	CSD
2. To approve an initial retention allowance of up to 25 percent base pay when necessary to match: (1) a salary level that reflects an "employment opportunity", (2) a verified verbal salary offer, (3) a recent, written, competing offer for a similar position		Dir, NIH				NO ICs must submit requests for approval through SPT, OHR RETENTION ALLOWANCES DO NOT "ROLL OVER" AND CANNOT BE AUTHORIZED IN AN AMOUNT THAT WOULD CAUSE TOTAL COMPENSATION TO EXCEED EX-I IN A CALENDAR YEAR.	CSD
3. To approve renewals of retention		Dir, NIH	Dir, OHR	Dep Dir, NIH	YES TO:	RETENTION	CSD

<p>allowances when with no change in the rate</p> <p style="text-align: center;">AND</p> <p>when there were no restrictions on the original approval</p>		DDM, NIH		IC Dirs	<p>Officials with sufficient knowledge and expertise to exercise this authority in accordance with law, regulation, and written policy</p> <p style="text-align: center;">AND</p> <p>who are at a higher level than the official who made the initial recommendation</p> <p style="text-align: center;">PROVIDE D</p> <p>the IC Director retains accountability</p>	<p>ALLOWANCES DO NOT "ROLL OVER" AND CANNOT BE AUTHORIZED IN AN AMOUNT THAT WOULD CAUSE TOTAL COMPENSATION TO EXCEED EX-I IN A CALENDAR YEAR.</p>	
SABBATICALS							
1. To approve sabbaticals for SES executives		Dir, NIH			NO		CSD

SELECTIONS							
1. To approve selections of SES, SL and ST executives		Dir, NIH*			NO	*The Secretary's concurrence is required before the action can be effected	CSD
TRAINING							
1. To approve and acquire HHS-wide training which is managed by the OS	OS				NO		
2. To approve training		Dir, NIH	Dir, OHR	Dep Dir, NIH IC Dirs	YES TO: Officials with sufficient knowledge and expertise to exercise this authority in accordance with law, regulation, and written policy	This authority includes the authority to assess training needs; select employees for training; manage and provide training within the provisions of 5 U.S.C. 41; ensure that the training conforms to relevant laws, regulations, and Department and component requirements; and assess the effectiveness of training	
3. To acquire off-the-shelf training for individual employees or groups of employees under the authority of GETA		Dir, NIH DDM, NIH	Dir, OHR	Dep Dir, NIH IC Dirs	YES TO: Officials with the knowledge and expertise to exercise	Off-the-shelf training is training with standard features and costs established in catalogs or other printed material available to the	

					<p>this authority in accordance with law, regulations, department and agency requirements related to training</p> <p>general public, or training offered by an individual consultant or firm where standard features and costs are established based on past practices. Costs of Off-the-Shelf training do not include employee travel or development of training material</p> <p>The dollar limits and guidelines for "micro purchases established by the Office of Management and Budget apply to training acquired under this authority</p>	
4. To waive in whole or in part the recovery of training expenses when continuing service agreements are not met		Dir, NIH DDM, NIH	Dir, OHR		NO	ICs must submit requests for waivers of repayment to OHR, NIH through WRD, OHR
5. To approve unauthorized training		Dir, NIH DDM, NIH	Dir, OHR		YES TO: Director, WRD	ICs must submit requests for approval of unauthorized training to WRD, OHR
TRANSFERS						

1. To approve transfers of SES, SL and ST executives		Dir, NIH			NO	The Secretary's concurrence is required before the action can be effected	CSD
TRAVEL - DELEGATIONS OF AUTHORITY ARE ON THE OFFICE OF MANAGEMENT ASSESSMENT (OMA) DELEGATIONS OF AUTHORITY WEB SITE http://www3.od.nih.gov/oma/manualchapters/delegations/travel/t03/ and http://www3.od.nih.gov/oma/manualchapters/delegations/travel/t06/							

PAY-RELATED DEFINITIONS

Salary is the annual rate of basic pay, and locality pay, if any, paid on a regular basis for the position to which the employee is appointed. It does not include additional cash benefits.

Discretionary Pays include Cash Awards and Bonuses; Recruitment and Relocation Bonuses and Retention Allowances (3Rs) or Recruitment and Retention incentives (2Rs); Physicians Comparability Allowance (PCA); Physicians Special Pay (PSP); Salary Increases Based on Performance; SES Performance Awards; SES Rank Awards; Quality Step Increases

Total compensation means the employee's salary plus **APPLICABLE** discretionary increases - i.e., the employee's total annual rate of earnings from his/her current position.