

Department of the Interior
DEPARTMENTAL MANUAL

Personnel

Part 370 - DM Addition to FPM

Chapter 311 The Power of Appointment and Removal 370 DM 311,1.1

Subchapter 1. The Power of Appointment

.1 Sources of Additional Information.

- A. 370 DM 230 for basic information on authority.
- B. 205 DM 8, 205 DM 2, 210 DM 15 and 210 DM 18 for information on personnel management authority.
- C. 370 DM 511 for information concerning position classification.
- D. 370 DM 311,2 and 355 DM 2.1 for information on serious misconduct or irregularity cases.
- E. 370 DM 312 for information on position control.
- F. 370 DM 305 for information on Senior Executive Service and other Executive positions.
- G. 370 DM 300 for information on details of employees.

.2 Presidential and Secretarial Appointments. For certain positions the President or the Secretary alone has appointing authority by statute, Executive Order or other provision of law. Among these are:

- A. Heads of bureaus and equivalent organizations.
- B. The High Commissioner and Deputy High Commissioner of the Trust Territory; Government Comptroller for the Virgin Islands; Government Comptroller for Guam, the Trust Territory of the Pacific Islands and the Northern Mariana Islands; Chief Justice of the Trust Territory and American Samoa; Associate Justices of the Trust Territory and American Samoa.
- C. Members of Committees, boards and commissions who are appointed by the President or the Secretary.

.3 Policy

A. Secretarial approval will be obtained before appointments or details to or from positions designated as key positions as listed in 370 DM 311,1.5 below. Secretarial approval will be obtained before reemploying any annuitant in a key position.

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B. Clearance of the appropriate Assistant Secretary or other Departmental official will be obtained before appointments or details are effected to the positions identified in 370 DM 311,1.5 - 370 DM 311,1.10.

C. Personnel actions, other than details, which do not change the incumbency, status or grade of the positions do not require Secretarial approval. Prior approval is not required for separation actions which are not initiated by management action.

D. The policies stated in 370 DM 311, 1.3A and B above regarding advance approval for appointment or details to key positions within the Department do not apply to personnel actions taken by the Inspector General pursuant to the Inspector General Act of 1978, 92 Stat. 1101. That act gives the Inspector General, who is under the general supervision of the Secretary or, to the extent the authority is delegated, the Under Secretary, the direct authority to appoint the Assistant Inspectors General and other employees employed in the Office of Inspector General, to hire experts and consultants, and to contract for external audit and other services. Legal services will be provided to the Office of Inspector General pursuant to a memorandum of understanding between it and the Office of the Solicitor.

.4 Responsibility. The head of each bureau or office is responsible for obtaining the appropriate clearance and approval before filling positions covered in this subchapter. Requests for Secretarial approval require concurrence of the appropriate program Assistant Secretary and the Assistant Secretary - Policy, Budget and Administration.

.5 Key Positions. Positions meeting any of the following criteria are considered key positions.

A. Associate, deputy, and assistant directors of bureaus, or their equivalents at the third or higher level of management within bureaus and equivalent organizations.

B. Officials at GS-15 or above reporting directly to a bureau Director, Deputy Director or Associate Director or their equivalents at the first or second level of management within bureaus and equivalent organizations.

C. Regional, Area and State Directors of bureaus.

D. Schedule C positions at all grades.

E. Positions in the Senior Executive Service (SES); positions at GS-16 or above; and those non-General Schedule positions for which the rate of pay is equal to that for grade GS-16 and above.

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These include both Career and Non-Career Appointments, Limited Term and Limited Emergency SES Appointments, and positions established under authority of 5 U.S.C. 3104.

F. Consultants and experts as covered by 370 DM 304.

G. Assignments to foreign countries or international organizations if the detail or assignment is for a period of four months or more, and

(1) The employee occupies a key position, or

(2) The employee is classified at GS-15 or above, or

(3) The employee is to be assigned as Chief or head of a party or project.

.6 Legal, Para-legal, Legal Advisory, and Legal Service Positions.

The prior approval of the Solicitor is required for the filling of any legal, para-legal, or other positions involving the providing of legal advice or services, by a law school graduate. The requirement for prior approval applies to all positions in the GS-900 (Legal and Kindred) group and to all positions classified in any other series which contain such legal duties. This prior approval requirement does not apply to the filling of such positions by the Office of Hearings and Appeals and the Office of Congressional and Legislative Affairs.

.7 Congressional Liaison and Legislative Affairs Positions. All proposed personnel actions pertaining to professional-level employees engaged in congressional liaison and legislative affairs activities require the prior concurrence of the appropriate program Assistant Secretary and the approval of the Assistant to the Secretary and Director, Office of Congressional and Legislative Affairs. This includes the establishment of new positions or cancellation of existing positions, appointments, promotions, reassignments, details, and separation actions which are initiated by management action. This requirement will assure appropriate control of the personnel resources devoted to congressional liaison and legislative activities.

.8 Public Information, Equal Employment Opportunity, and Personnel Officer Positions.

A. Policy. The advance approval of the appropriate official as indicated in 370 DM 311,1.8B below will be obtained before any personnel appointment or change is effected involving the principal public information, equal employment opportunity, or personnel officer in a bureau, regardless of grade level.

8/20/79 FPM-217

Replaces 12/10/74 FPM-182

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370 DM 311.1.8B

B. Appropriate Official.

(1) Public Information Positions. The prior approval of the Director of Public Affairs, Office of the Secretary, is required. Additional approval requirements for other public information positions as described in 470 DM 1 are also applicable.

(2) Equal Employment Opportunity Officer Positions. The prior approval of the Director of the Office for Equal Opportunity is required.

(3) Personnel Officer Positions. The prior approval of the Director of Personnel is required.

C. Approval Procedure. Requests for approval must be forwarded to the approving official through the appropriate program Assistant Secretaries.

.9 Audit and Investigative Positions.

A. The prior approval of the Inspector General is required to establish any GS-510 series auditor position including: (1) external auditing responsibilities, such as examination of records of a Departmental contractor, grantee, lessee or concessionaire; and, (2) internal audit responsibilities which equate to or are similar to those responsibilities described in 360 DM 2. The prior approval of the Inspector General is also required for any appointment to an approved GS-510 auditing position at grade GS-15 or above.

B. The prior approval of the Inspector General is required to establish new positions in any Departmental bureau or office in GS series 1810 and 1811. Such approval is not required for established law enforcement activities (i.e., U.S. Park Police, Park Rangers, Bureau of Indian Affairs Criminal Investigators and Special Officers, Special Agents of the Fish and Wildlife Service, and Special Agents of the Bureau of Land Management-Branch of Law Management). To insure necessary coordination between all Departmental investigative activities, the prior approval of the Inspector General is also required for all appointments Department-wide to any investigative position in GS series 1810 and 1811 at the grade of GS-15 or above. Approval of the Inspector General is required before contracting for investigative services of any kind.

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.10 Budget Administration, Policy Analysis, Environmental Assessment and Administrative Management Positions.

A. Policy. Prior approval of the Assistant Secretary - Policy, Budget and Administration is required for all appointments, promotions, reassignments, demotions, and details to or from program and administrative management positions at grade GS-15 and above in the functional areas identified in 370 DM 311,1.10B below.

B. Scope of Applicability. These provisions apply to the following administrative management areas:

- (1) Budget Administration
- (2) Policy Analysis
- (3) Environmental Analysis
- (4) Financial Management
- (5) Safety Management (includes positions at GS-14 and above)
- (6) Management Analysis
- (7) Property Management (Real and Personal Property)
- (8) Procurement and Grants Management
- (9) Paperwork Management (includes positions at GS-14 and above)
- (10) Automatic Data Processing and Telecommunications
- (11) General Administration (Administrative Officer)

C. Position Planning. Bureau plans for establishing, revising, and filling principal management positions should be discussed at an early predecision or prerecruitment stage with appropriate Departmental counterpart officials and with the Office of Personnel. This procedure will provide the opportunity for full consideration of the proposed action.

D. Approval Procedure. Requests for approval are forwarded to the Assistant Secretary - Policy, Budget and Administration through the Office of Personnel which will secure the surnames of the appropriate Departmental management officials.

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.11 Release of Information. Under no circumstances will there be any release of information with regard to anyone under consideration for appointment or promotion to a key position until the Secretary's approval has been obtained and until approval of the Office of Personnel Management is received on any case requiring such approval.

8/20/79 FPM-217
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Subchapter 2. The Power to Separate, Suspend, Furlough, or Reduce Compensation

.1 Authority. Unless specifically reserved, such as in those situations described under 370 DM 311, 2.2 and 370 DM 311, 2.3, the power of appointment includes the power to separate, suspend, furlough, or reduce compensation.

A. Sources of additional information.

(1) 370 DM 230 for basic information on authority.

(2) 370 DM 751, 2.5A for information on suspension of employees charged with felonious offense.

.2 Serious Misconduct or Irregularity Cases. Officials with delegated personnel authority will not act finally on any case which is required to be referred to the Secretary under 355 DM 2.1.

A. An employee will be suspended with minimum notice under Office of Personnel Management regulations if charged with the commission of a felonious offense by a competent law enforcement agency or official. A report of the facts shall be forwarded to the Office of Inspector General at the time the suspension action is taken.

B. When the felony case reaches the status of an uncontested admission of guilt or a court decision to that effect, a removal action will be instituted by the bureau or office. Copies of proposed actions must be submitted to the Inspector General through the appropriate program Assistant Secretary. The Inspector General will coordinate review with the Director of Personnel.

.3 Key Positions. The provisions of 370 DM 311, 1 apply to proposed separations, suspensions, furlough, or reduction in compensation of incumbents of key positions.

