5 U.S.C.
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Title 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART II - CIVIL SERVICE FUNCTIONS AND RESPONSIBILITIES
CHAPTER 11 - OFFICE OF PERSONNEL MANAGEMENT
Sec. 1104 - Delegation of authority for personnel management
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§1104. Delegation of authority for personnel management

(a) Subject to subsection (b)(3) of this section—

(1) the President may delegate, in whole or in part, authority for personnel management functions, including authority for competitive examinations, to the Director of the Office of Personnel Management; and

(2) the Director may delegate, in whole or in part, any function vested in or delegated to the Director, including authority for competitive examinations (except competitive examinations for administrative law judges appointed under section 3105 of this title, the cost of which examinations shall be reimbursed by payments from the agencies employing such judges to the revolving fund established under section 1304(e)), to the heads of agencies in the executive branch and other agencies employing persons in the competitive service.

(b)(1) The Office shall establish standards which shall apply to the activities of the Office or any other agency under authority delegated under subsection (a) of this section.

(2) The Office shall establish and maintain an oversight program to ensure that activities under any authority delegated under subsection (a) of this section are in accordance with the merit system principles and the standards established under paragraph (1) of this subsection.

(3) Nothing in subsection (a) of this section shall be construed as affecting the responsibility of the Director to prescribe regulations and to ensure compliance with the civil service laws, rules, and regulations.

(4) At the request of the head of an agency to whom a function has been delegated under subsection (a)(2), the Office may provide assistance to the agency in performing such function. Such assistance shall, to the extent determined appropriate by the Director of the Office, be performed on a reimbursable basis through the revolving fund established under section 1304(e).

(c) If the Office makes a written finding, on the basis of information obtained under the program established under subsection (b)(2) of this section or otherwise, that any action taken by an agency pursuant to authority delegated under subsection (a)(2) of this section is contrary to any law, rule, or regulation, or is contrary to any standard established under subsection (b)(1) of this section, the agency involved shall take any corrective action the Office may require.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 399; Pub. L. 90–83, §1(2), Sept. 11, 1967, 81 Stat. 195; Pub. L. 95–454, title II, §201(a), Oct. 13, 1978, 92 Stat. 1120; Pub. L. 104–52, title IV, §1, Nov. 19, 1995, 109 Stat. 489.)

Historical and Revision Notes
1966 Act

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
	[Uncodified].	1949 Reorg. Plan No. 5, §2(a) (less 35th through 46th words), (b), eff. Aug. 20, 1949, 63 Stat. 1067.
	5 U.S.C. 3013(a) (1st sentence, less 10th through 24th words).	Sept. 28, 1959, Pub. L. 86–382, §14(a) (1st sentence, less 10th through 24th

		words), 73 Stat. 716.

In the first sentence, the word "officers" is omitted as included in "employees".

Subsection (a)(1) is added on authority of the words "to secure accuracy, uniformity, and justice in all their proceedings" in the first sentence of former section 635, which is carried into section 1105. The function in this paragraph was transferred from the chief examiner to the Chairman of the United States Civil Service Commission by 1949 Reorg. Plan No. 5, §2(a)(2).

In subsection (a)(4), the words "requests for appropriations" are substituted for "budget estimates" on authority of the Act of Sept. 12, 1950, ch. 946, §102(f), 64 Stat. 833; 31 U.S.C. 22.

In subsection (b)(2), the word "prescription" is substituted for "promulgation" and the words "now vested in the Commission" are omitted as surplusage.

In subsection (b)(4), the words "as is now authorized to be taken by the Commission" are omitted as surplusage.

In subsection (b)(5), the words "civil service" are substituted for "Federal service".

In subsection (b)(7), the words "submission of requests for appropriations" are substituted for "revision and submission . . . of budget estimates" on authority of the Act of Sept. 12, 1950, ch. 946, §102(f), 64 Stat. 833; 31 U.S.C. 22.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 Act

Section of title 5	*Source (U.S. Code)*	*Source (Statutes at Large)*
1104(a)(6)	5:8713(a). [Uncodified].	[None.] 1965 Reorg. Plan No. 4, §§11(a), (e) (as applicable to (a)), 12 (as applicable to §11(a)), 13 (as applicable to §11(a)), eff. July 27, 1965, 79 Stat. 1322.

The paragraph added by this section is based on 5 U.S.C. 8713(a), and is restated to reflect the effect of sections 11–13 of 1965 Reorganization Plan No. 4, effective July 27, 1965.

Editorial Notes

Amendments

1995—Subsec. (a). Pub. L. 104–52, §1(1)(B), struck out closing provisions which read as follows: "except that the Director may not delegate authority for competitive examinations with respect to positions that have requirements which are common to agencies in the Federal Government, other than in exceptional cases in which the interests of economy and efficiency require such delegation and in which such delegation will not weaken the application of the merit system principles."

Subsec. (a)(2). Pub. L. 104–52, §1(1)(A), inserted ", the cost of which examinations shall be reimbursed by payments from the agencies employing such judges to the revolving fund established under section 1304(e)" after "title" and substituted period for semicolon at end.

Subsec. (b)(4). Pub. L. 104–52, §1(2), added par. (4).

1978—Pub. L. 95–454 substituted "Delegation of authority for personnel management" for "Functions of Chairman" in section catchline, and in text provisions relating to the delegation of authority for personnel management for provisions relating to functions of the Chairman of the United States Civil Service Commission.

Statutory Notes and Related Subsidiaries

Effective Date of 1978 Amendment

Amendment by Pub. L. 95–454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95–454, set out as a note under section 1101 of this title.