

RULES and REGULATIONS

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 960

Federal Executive Boards

Wednesday, August 29, 1984

*34193 AGENCY:
Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing final rules for the organization and functions of Federal Executive Boards. Federal Executive Boards were established pursuant to a Presidential directive of November 10, 1961, which charged the Chairman of the former Civil Service Commission to arrange for the establishment of a Board in each of the Commission's administrative regions and to continue similar associations in other centers of Federal activity. Since then the Boards have been the responsibility, variously, of the Civil Service Commission and its successor, the Office of Personnel Management, and the Bureau of the Budget and its successor, the Office of Management and Budget. On June 7, 1982, the Executive Office of the President transferred authority for Federal Executive Board functions to the Office of Personnel Management. These rules are intended to carry into effect the directive of the President that Federal Executive Boards be organized and operated to achieve better interagency coordination of Federal activity and to better communications between Government officials in Washington and in the field.

EFFECTIVE DATE: September 28, 1984.

FOR FURTHER INFORMATION
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to the Deputy Director for Regional
Operations, (202) 632-5544.

SUPPLEMENTARY INFORMATION: Federal Executive Boards were created by the President to improve Federal management activities within major metropolitan centers across the country. Currently established in 26 cities that are major centers of Federal activity, the Boards are composed of the highest local officials of each Federal agency in those metropolitan areas. For several years, the Boards were jointly administered by the Civil Service Commission and the Bureau of the Budget. On June 7, 1982, the Executive Office of the President transferred authority for all Federal Executive Board functions to the Office of Personnel Management.

Federal Executive Boards are important organizational structures for outreach from Washington to Federal Government operations in the field. They function in four general areas: (1) Provision of a forum for the exchange of information between Washington and the field about programs, management methods, and administrative problems; (2) coordination of local approaches to national programs and such local interagency programs as may be approved by the Director; (3) communication from Washington to the field of management initiatives and other concerns for the improvement of coordination; and (4) referral to the national level of problems that cannot be resolved locally. These rules reflect a new emphasis upon and will provide a clear structure for the efficient organization and operation of Federal Executive Boards as well as eliminate ambiguities and unnecessary activities that might interfere with the full development of the Boards as instruments of effective Government management and communication.

On March 4, 1983, the Office of Personnel Management published for comment in the Federal Register proposed rules on the organization and functions of Federal Executive Boards. The comment period closed on April 4, 1983.

Comments were received from twenty-six sources including individuals, Federal agencies, Federal employee unions, and Federal Executive Boards. These comments have been carefully considered by the Office of Personnel Management. The comments received were generally supportive of the published proposed regulations.

Several commentators requested the inclusion of provisions for Federal Executive Board support for the American Veteran. As a result of these comments, and in view of the emphasis that the Office of Personnel Management has now generally determined to place upon the government's veterans programs, a new section has been added to the proposed regulations at 5 CFR 960.107(c)(7) which provides for recognition and dissemination of information with regard to American Veterans.

The funding of Federal Executive Boards and their staffs was the subject of several comments. There has been no change in the regulations on this subject. Congress has not provided central funding authority for the Federal Executive Boards or their staffs. The Office of Personnel Management believes that the future effectiveness of the Federal Executive Boards depends upon the commitment of the member Federal agencies to the Boards and their initiatives. In order to promote a feeling of responsibility and commitment, the regulations do not alter the current funding arrangements which emphasize local agency responsibility.

Other comments suggested, variously, greater or lesser rigidity of structure for the Federal Executive Boards or greater or lesser degrees of involvement by the Office of Personnel Management in their operations. The Office of Personnel Management, after considering these comments, concludes that the proposed arrangements reflect a judicious mix of definition and flexibility, and therefore proceeds now to make them final. If subsequent experience demonstrates a need for change, ample opportunities will arise for future proposals for change to be aired within the Federal Executive Board program.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of \$100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-^{*}34194 based enterprises in domestic or export markets.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it only affects the organization and operation of Federal Executive Boards.

List of Subjects in 5 CFR Part 960

Government employees,
Organization and functions (government agencies).

U.S. Office of Personnel
Management.

Donald J. Devine,

Director.

Accordingly, OPM amends 5
CFR by adding Part 960 to read as follows:

PART 960--FEDERAL EXECUTIVE
BOARDS

960.101 Definitions.

960.102 Authority and status.

960.103 Location.

960.104 Membership.

960.105 Officers and organization

960.106 OPM leadership.

960.107 Authorized activities.

960.108 Additional rules and directives.

** For further information, contact: Paula L. Bridgham, Assistant for
Field Operations, OPM, (202)606-1001

Authority: Memorandum of the President for Heads of Departments and Agencies (November 10, 1961).

s 960.101 Definitions.

For purposes of this part:

(a) The term "Director" means the Director of the United States Office of Personnel Management.

(b) The term "Executive agency" means a department, agency, or independent establishment in the Executive Branch.

(c) The term "metropolitan area" means a geographic zone surrounding a major city, as defined and delimited from time to time by the Director.

(d) The term "principal area officer" means, with respect to an Executive agency, the senior official of the Executive agency who is located in a metropolitan area and who has no superior official within that metropolitan area other than in the Regional Office of the Executive agency. Where an Executive agency maintains facilities of more than one bureau or other subdivision within the metropolitan area, and where the heads of those facilities are in separate chains of command within the Executive agency, then the Executive agency may have more than one principal area officer.

(e) The term "principal regional officer" means, with respect to an Executive agency, the senior official in a Regional Office of the Executive agency.

(f) The term "special representative" means, with respect to an Executive agency, an official who is not subject to the supervision of a principal regional officer or a principal area officer and who is specifically designated by the head of the Executive agency to serve as the personal representative of the head of the Executive agency.

s 960.102 Authority and status.

Federal Executive Boards are established by direction of the President in order to strengthen the management and administration of Executive Branch activities in selected centers of field operations. Federal Executive Boards are organized and function under the authority of the Director.

s 960.103. Location.

Federal Executive Boards have been established and shall continue in the following metropolitan areas:
** Albuquerque-Santa Fe, Atlanta, Baltimore, Boston, Buffalo, Chicago, Cincinnati, Cleveland, Dallas-Fort Worth, Denver, Detroit, Honolulu, Houston, Kansas City, Los Angeles, Miami, Minneapolis-St. Paul, New Orleans, New York, Newark, Philadelphia, Pittsburgh, Portland, St. Louis, San Francisco, and Seattle. The Director may, from time to time, dissolve, merge, or divide any of the foregoing

Federal Executive Boards, or establish new Federal Executive Boards, as he may deem necessary, proper or convenient.

s 960.104 Membership.

(a) Presidential Directive. The President has directed the heads of agencies to arrange for the leading officials of their respective agencies' field activities to participate personally in the work of Federal Executive Boards.

(b) Members. The head of every Executive agency shall designate, by title of office, the principal regional officer, if any, and the principal area officer or officers, if any, who shall represent the agency on each Federal Executive Board; and by name and title of office, the special representative, if any, who shall represent the head of the agency on each Federal Executive Board. Such designations shall be made in writing and transmitted to the Director, and may be transmitted through the Chairmen of the Federal Executive Boards. Designations may be amended at any time by the head of the Executive agency.

(c) Alternate Members. Each member of a Federal Executive Board may designate an alternate member, who shall attend meetings and otherwise serve in the absence of the member. An alternate member shall be the deputy or principal assistant to the member or another senior official of the member's organization.

s 960.105 Officers and organization.

(a) By-Laws. A Federal Executive Board shall adopt by-laws or other rules for its internal governance, subject to the approval of the Director. Such by-laws and other rules may reflect the particular needs, resources, and customs of each Federal Executive Board, provided that they are not inconsistent with the provisions of this part or with the directives of the President or the Director. To the extent that such by-laws and other rules conflict with these provisions or the directives of the President or the Director, such by-laws and other rules shall be null and void.

(b) Chairman. Each Federal Executive Board shall have a Chairman, who shall be elected by the members from among their number, and who shall serve for a term of office not to exceed one year.

(c) Staff. As they deem necessary and proper, members shall, from time to time, designate personnel from their respective organizations to serve as the staff, or otherwise to participate in the activities, of the Federal Executive Board. Other personnel may be engaged, by appointment, contract, or otherwise, only with the approval of the Director.

(d) Unless otherwise expressly provided by law, by directive of the President or the Director, or by the by-laws of the Federal Executive Board, every committee, subcommittee council, and

other sub-unit of the Federal Executive Board, and every affiliation of the Federal Executive Board with external organizations, shall expire upon expiration of the term of office of the Chairman. Such a committee, subcommittee, council, other sub-unit, or affiliation may be reestablished or renewed by affirmative action of the Federal Executive Board.

(e) Board Actions. Actions of a Federal Executive Board shall be taken only with the approval of a majority of the members thereof. This authority may not be delegated. All activities of a Federal Executive Board shall conform to applicable laws and shall reflect prudent uses of official time and funds.

s 960.106. OPM leadership.

(a) Role of the Director. The Director is responsible to the President for the organizational and programmatic activities of the Federal Executive Boards. The Director shall direct and oversee the operations of Federal Executive Boards consistent with law and with the directives of the President. *34195 He may, from time to time, consult with, and require the advice of, the Chairman, members, and staff of the Federal Executive Boards.

(b) Role of the Director's Regional Representatives. The Chairman of each Federal Executive Board shall report to the Director through the Director's Regional Representative, an official of the Office of Personnel Management. The Director's Regional Representatives shall oversee the activities of, and periodically visit and meet with, the Federal Executive Boards.

(c) Communications. The Office of Personnel Management shall maintain channels of communication from the Director through the Director's Regional Representatives to the Chairmen of the Federal Executive Boards, and between and among the Federal Executive Boards through the Director and the Director's Regional Representatives. Any Executive agency may use these channels to communicate with the Director Federal Executive Boards. Chairmen of Federal Executive Boards may communicate with the Director on recommendations for action at the national level, on significant management problems that cannot be addressed at the local level, and on other matters of interest to the Executive Branch.

(d) Reports. Each Federal Executive Board shall transmit to the Director, over the signature of its Chairman, an annual work plan and an annual report to the Director on the significant programs and activities of the Federal Executive Board in each fiscal year. Each work plan shall set forth the proposed general agenda for the succeeding fiscal year. The work plan shall be subject to the approval of the Director. Each annual report shall describe and evaluate the preceding fiscal year's activities. The work plan for Fiscal

**Additional FEBs have been established in San Antonio, TX, and Oklahoma City, OK.

Year 1985 shall be submitted on or before July 1, 1984, and the annual report for Fiscal Year 1984 shall be submitted on or before January 1, 1985. Subsequent annual reports shall be submitted on or before January 1 and subsequent annual work plans shall be submitted on or before July 1 in every year thereafter. In addition, members of Federal Executive Boards shall keep the headquarters of their respective Executive agencies informed of their activities by timely reports through appropriate agency channels.

(e) Conferences. The Director may, from time to time, convene regional and national conferences of Chairmen and other representatives of Federal Executive Boards.

s 960.107. Authorized activities.

(a) Each Federal Executive Board shall serve as an instrument of outreach for the national headquarters of the Executive Branch to Executive Branch activities in the metropolitan area. Each Federal Executive Board shall consider common management and program problems and develop cooperative arrangements that will promote the general objectives of the Government and of the several Executive agencies in the metropolitan area. Efforts of members, alternates, and staff in those areas shall be made with the guidance and approval of the Director; within the range of the delegated authority and discretion they hold; within the resources available; and consistent with the missions of the Executive agencies involved.

(b) Each Federal Executive Board shall: (1) Provide a forum for the exchange of information between Washington and the field and among field elements in the metropolitan area about programs and management methods and problems; (2) develop local coordinated approaches to the development and operation of programs that have common characteristics; (3) communicate management initiatives and other concerns from Washington to the field to achieve better mutual understanding and support; and (4) refer problems that cannot be solved locally to the national level.

(c) Subject to the guidance of the Director, the Federal Executive Boards shall be responsible for:

(1) Presidential initiatives on management reforms; personnel initiatives of the Office of Personnel Management; programs led by the Office of Management and Budget, such as Reform '88 and the President's Council on Integrity and Efficiency; and facilities planning led by the General Services Administration;

(2) The local Combined Federal Campaign, under the direction of the Director;

(3) The sharing of technical knowledge and resources in finance, internal auditing, personnel management, automated data processing applications,

interagency use of computer installations, and similar commonly beneficial activities;

(4) The pooling of resources to provide, as efficiently as possible, and at the least possible cost to the taxpayers, common services such as employee first-aid, cardiopulmonary resuscitation ("CPR"), CPR training, preventative health programs, assistance to the aging, blood donor programs, and savings bond drives;

(5) Encouragement of employee initiative and better performance through special recognition and other incentive programs, and provision of assistance in the implementation and upgrading of performance management systems;

(6) Emergency operations, such as under hazardous weather conditions; responding to blood donation needs; and communicating related leave policies;

(7) Recognition of the service of American Veterans and dissemination of information relating to programs and benefits available for veterans in the Federal service; and

(8) Such other programs, projects, and operations as may be set forth in the annual work plan approved by the Director.

(d) The Office of Personnel Management shall advise Federal Executive Boards on activities in the areas of performance appraisal and incentives, interagency training programs, the educational development of Government employees, improvement of labor-management relations, equal employment opportunity, the Federal Women's Program, the Federal Equal Opportunity Recruitment Program, the Hispanic Employment Program, the Veterans Employment Program, and selective placement programs for handicapped individuals.

(e) The Director may, from time to time, direct one or more of the Federal Executive Boards to address such specific programs or undertake such cooperative activities as he may deem necessary or proper.

s 960.108. Additional rules and directives.

The Director may, from time to time, issue further rules and guidance for, and directives to, the Federal Executive Boards through the Federal Personnel Manual System and other appropriate instruments.

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