



DEQ POLICY STATEMENT PS21-04

SUCCESSION AND DELEGATION OF AUTHORITY

PURPOSE

To sustain continuity of operations at the Idaho Department of Environmental Quality (DEQ), this policy establishes a sequence of leadership in the event of absence or emergency. This policy supersedes PM 16-02.

BACKGROUND

Executive Order No. 2014-07, Assignments of All-Hazard Prevention, Protection, Mitigation, Response and Recovery Functions to State Agencies in Support of Local and State Government Relating to Emergencies and Disasters, issued by the State of Idaho's Governor, requires state agencies to plan and prepare for natural and human-caused disasters and emergencies. The order stipulates that agencies must develop and maintain a continuity of operations plan (COOP) to (1) address how the agency will continue to perform essential functions in the event of compromised facilities or leadership and (2) return the agency to normal operations. DEQ's current COOP (EDMS 2009ADU4) is kept on file at the Idaho Office of Emergency Management (IOEM).

The IOEM's Idaho Emergency Operations Plan further requires that all state department heads, at a minimum, designate primary and alternate emergency successors for key supervisory positions to ensure the continuance of department leadership, authority, and responsibilities. Additionally, each agency division or regional administrator designates a primary and alternate emergency successor.

Those designated under this policy to exercise the powers and duties of a position will be instructed in the emergency duties they are expected to perform. Successors will be notified of requirements and responsibilities by the person they succeed, if available, or by a senior manager. Successors will exercise authorities and functions only until superseded by a higher-level official or by a successor specifically designated by proper authority to assume direction.

STATEMENT OF POLICY

Succession to the position of director:

Pursuant to Idaho Code § 67-2405(2)(c), an acting director is delegated the full authority of the DEQ department head as provided by Idaho Code Titles 67 and 39, and other provisions of applicable law excepting the following:

- The authority to commence any administrative or civil enforcement action without prior approval of the director.
- The authority to appoint, dismiss, or change the compensation of any employee. The acting director can place any employee on leave with pay.

If the director is unavailable, or when requested during periods of emergencies or disasters, the deputy director acts as director. If both the director and deputy director are unavailable, or when requested during periods of emergencies or disasters, a division administrator acts as director according to the DEQ Acting Director and Administrator Schedule (EDMS 2013ADV57) maintained by the Director's Office, or as designated by the director in writing. If the designated administrator is unavailable, the next administrator in the rotation acts as director.

The director will operate from a location, in the director's judgement, that best serves the agency. If the operability of an alternate location or facility is, in the director's judgement, a sufficiently superior point of command, then the director may move to that location or provide direction or yield to a successor in that location.

Copies of succession schedules are included with DEQ's vital records and databases and will be made available at any alternate location.

Succession to the position of division or regional administrator:

An acting division or regional administrator is delegated full authority to exercise the power and duties of the position if the incumbent is unavailable or when requested during periods of emergencies or disasters, according to the DEQ Acting Director and Administrator Schedule (EDMS 2013ADV57) maintained by the Director's Office, or as designated by the division or regional administrator in writing.

Signatures when acting:

If delegated authority pursuant to this policy, an employee will perform under their own signature, name, and title, or with their signature and the phrase "For" or "Acting For" on documents that include the director or administrators' name or title.

The term unavailable means the incumbent is not able, because of absence, disability, incapacity, or other cause, to effectively exercise the assigned powers and duties.

DEQ's policy on nepotism does not apply to any employee under the direct chain of command of an acting position.

RESPONSIBILITY

The deputy director is responsible for maintaining this policy.

IMPLEMENTATION

This policy is effective immediately and will remain in effect for 5 years unless amended, replaced, or rescinded prior to expiration.

Dated this _____ day of _____, 2021

Jess Byrne
Director, Idaho Department of Environmental Quality