

# Georgia Department of Public Safety

## Policy Manual

SUBJECT <b>DELEGATION OF AUTHORITY</b>	POLICY NUMBER <b>4.01</b>
DISTRIBUTION <b>ALL EMPLOYEES</b>	REVISED DATE <b>7/12/2022</b>
	POLICY REVIEWED <b>7/12/2022</b>

### 4.01.1 Purpose

To provide for the delegation of authority as necessary to accomplish the mission and objectives of the Georgia Department of Public Safety. Further, to provide the command protocol to be followed in the absence of the Commissioner of the Department of Public Safety.

### 4.01.2 Policy

It shall be the policy of the Georgia Department of Public Safety to grant such authority to its members as is necessary to carry out the mission of the Georgia Department of Public Safety and their assigned duties.

### 4.01.3 Definitions

- A. Appointing Authority – A person who is authorized by law or by delegated authority to make appointments to fill positions or to propose adverse actions. The Commissioner is the ultimate Appointing Authority for all employees of the Department of Public Safety.
- B. Limited Appointing Authority - Anyone who has been delegated some appointing authority by the Commissioner. The following are limited Appointing Authorities for the positions reporting to them: the Lt. Colonels, Chief of Staff, MCCD Adjutant, GSP North Adjutant, GSP South Adjutant, Headquarters Adjutant, Support Operations Adjutant, Capitol Police Adjutant, Director of Legal Services, Director of Human Resources, the Chief Financial Officer/Comptroller, and the Director of the Office of Professional Standards. In the Appointing Authority's absence, the Appointing Authority may name a designee.
- C. Division Director – Division Director, when referred to in this and all other DPS policies, is defined as anyone who has been delegated as a Limited Appointing Authority by the Commissioner.
- D. Unit Director – Anyone who has been granted by the Commissioner the authority to oversee the operations of a Troop, Region, or other operational/administrative unit identified on the DPS Division level organizational chart (for example, PIO, Administrative Services, Computer Services, Aviation, etc.).
- E. Disaster – Any happening that causes great harm or damage.

- F. Emergency – A sudden generally unexpected occurrence or set of circumstances demanding immediate action.
- G. Emergency Interim Successor – A person designated pursuant to § 38-3-50, in the event the Commissioner is unavailable to exercise the powers and discharge the duties of Commissioner, until a successor is appointed or until the lawful incumbent or his/her successor is able to resume the exercise of the powers and the discharge of the duties of Commissioner.

#### **4.01.4 Procedures**

- A. The authority of the members of the Georgia Department of Public Safety is derived primarily from those statutes enacted by the Georgia General Assembly, orders issued by the Governor, and rules and regulations promulgated by the Board of Public Safety.
- B. Under O.C.G.A. § 35-2-3, the Commissioner of the Department of Public Safety is vested with the authority to conduct the operations of the department.
- C. Authority to direct the various organizational components of the department shall be delegated through the establishment of the supervisory chain of command.
  - 1. Each organizational component of the department shall be under the direction of only one supervisor at any given time.
  - 2. Each member of the department shall be responsible to only one immediate supervisor at any given time.
    - a. Each member shall be responsible for obeying any lawful order issued to them by a supervisor. This includes orders relayed by a member of equal or lesser rank.
      - 1) Members who are given an otherwise proper order which is in conflict with a previous order, rule, regulation or directive will respectfully inform the supervisor issuing the order of the conflict. If the supervisor issuing the order does not alter or retract the conflicting order, the order will stand. Under these circumstances, the responsibility for the conflict will be upon the supervisor. Members will obey the conflicting order and will not be held responsible for disobedience of the order, rule, regulation or directive previously issued.
      - 2) Members will not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, members will request the issuing supervisor to clarify the order or obtain their permission to confer with a higher-ranking supervisor.
    - b. Members shall follow the chain of command in the conduct of official operations except when specifically authorized to circumvent the chain of command by policy or competent authority.
  - 3. Members shall be held accountable for the use of the authority granted them by the department.
- D. Command Protocol

1. Normal Conditions
  - a. Under normal operating conditions, the Commissioner shall direct the operations of the Department of Public Safety.
  - b. Authority for the operations of the various divisions of the Department of Public Safety shall be delegated to the respective Division Directors.
2. Absence of the Commissioner
  - a. In the absence of the Commissioner, the Deputy Commissioner shall be authorized to conduct the operations of the Department.
  - b. In the event that it is necessary for the Commissioner and the Deputy Commissioner to be absent, the Commissioner shall designate, in writing, the individual who shall be authorized to conduct the operations of the Department.
3. Emergency or Disaster
  - a. In the event that both the Commissioner and Deputy Commissioner are unavailable following an emergency or disaster, the powers of the office shall be exercised, and the duties of the office shall be discharged by the designated emergency interim successors on file with the Secretary of State in the order specified.
  - b. The emergency successor shall exercise the powers and discharge the duties only until the Commissioner, Deputy Commissioner, or preceding named emergency interim successor becomes available to exercise or resume the exercise of the powers and discharge the duties of Commissioner, or until a successor is appointed to fill the vacancy (if applicable).
  - c. At the time of his/her designation, an emergency interim successor shall take such oath required to exercise the powers and discharge the duties of Commissioner.