

Directive 320.4
4/14/93

ADMINISTERING OATH OF OFFICE

- I. This Directive:
PURPOSE
- A. Sets forth the authority and requirements for administering the oath of office to new appointees in the Agricultural Marketing Service (AMS).
- B. Establishes procedures and responsibilities for administering the oath of office.
- II. This Directive replaces AMS Directive 320.4, dated 9/11/89. Changes are marked with asterisks.
REPLACEMENT
HIGHLIGHTS
- III. A. United States Code, Title 5, Section 3331, states: "An individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services, shall take the following oath:
`I (name), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.' This section does not affect other oaths required by law."
AUTHORITIES
- B. Federal Personnel Manual, Supplement 296-33, Subchapter 5, provides some clarification of the wording of the oath of office:
1. The phrase "defend the Constitution" does not imply that the prospective civil service employee would be expected to bear arms. * - This should be explained to any appointee who questions the meaning of or objects to this part of the oath. - *
 2. U.S. citizens must swear to or affirm the oath of office and the affidavit in Part B of SF-61, Appointment Affidavits.
 3. If the appointee elects to affirm rather than swear to the affidavit, the words "So help me God" and "swear" should be omitted. This alternative is also noted on the SF-61.
- IV. A. Persons Required To Take Oath of Office. The
ADMIN- oath of office is:
ISTERING
1. Required for all new appointments to an Agency (including transfers from other Departments, reinstatements, restorations, and reemployments).
 2. Not required * - when there is a change in an employee's status as long as service is continuous within the Department, or when the employing office or Agency changes as a result of a transfer of function ("Realignment" or "Mass Transfer" action). - *
- B. When Oath of Office Is Administered. The oath of office shall be administered on the effective date of the employee's appointment or the first workday following appointment.
- C. Persons Authorized To Administer Oath of Office. Agency officials authorized to administer the oath of office are listed in Attachment 1. If Agency officials authorized to administer the oath are not available, oaths may be administered by:
1. Department employees, outside of AMS, who have been granted similar authority by their Agency;
- OATH OF
OFFICE

2. A notary public (Expiration date of his/her commission must be shown on appointment affidavit.); or

3. * - A Federal official who has been delegated responsibility to administer oaths. - *

D. Signing Oath of Office. A new appointee has an obligation to swear or affirm the affidavit as noted on the bottom portion of the SF-61. When the oath of office is administered, the authorized official will ascertain whether or not the appointee clearly understands the oath. The signing of the oath of office is witnessed and the SF-61 is signed by the authorized official.

V.
PROCEDURES
AND RESPON-
SIBILITIES

The oath of office shall be administered and documented by authorized individuals in the following manner:

A. SF-61. When the oath of office is administered to an Agency employee by:

1. An authorized AMS official, the official shall be responsible for submitting the SF-61, through administrative channels, to the servicing personnel office.

a. For Schedule C, Senior Executive Service, and GS/GM-13, 14, and 15 positions, the SF-61 is processed by the Employment Policy Branch, Personnel Division, AMS.

b. For headquarters employees, GS-12 and below, the SF-61 is processed by Customer Support Services, Animal and Plant Health Inspection Service (APHIS), Washington, DC.

c. For field employees, GS-12 and below, the SF-61 is processed by * - Human Resource Operations, Human Resources Division, APHIS, Minneapolis, MN. - *

2. An individual other than an AMS official, (i.e., a notary public or an official from another Agency), the supervisor of the employee shall be responsible for the submission of the SF-61, through administrative channels, as prescribed in paragraph a., above.

B. Personnel and Payroll System. The automated personnel and payroll system requires documentation showing that the oath of office has been administered to newly-appointed employees. Paychecks will be withheld until the National Finance Center is informed (by proper notation in the electronic Time and Attendance Reporting System) that the oath of office has been administered. Individuals who refuse to sign the oath will have their employment voided.

L. P. Massaro
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Attachment

PERSONS AUTHORIZED TO ADMINISTER OATH OF OFFICE

The incumbents of the positions listed below are authorized to administer the oath of office in connection with employment in the Federal Government. In the absence of the regular incumbent, the employee acting for the incumbent shall have the same authority.

LOCATION	OFFICES	AUTHORIZED PERSONS
Washington, DC	All Offices	Servicing Personnel Office Personnel Clerks/Personnel Assistants/ Personnel Specialists (with delegated authority)
Outside Washington, DC	<u>Cotton Division</u>	Deputy Director
	Office of the Director	Administrative Officer
	Grading Branch	Area Directors
	Fiber Technology Branch	Area Directors
	Fiber Performance Section	Section Head
	Fiber Laboratory	Director
	<u>Dairy Division</u>	National Field Director
	Grading Branch	Assistant National Field Director Field Supervisors Administrative Officer/Program Assistant
	Market News Branch	National Supervisor
	<u>Fruit and Vegetable Division</u>	Director/Administrative Officer
	Regional Offices	Officer-In-Charge
	Field Offices	Program Assistant
	<u>Livestock and Seed Division</u>	Officer-In-Charge
	Livestock and Grain Market	Regional Directors
	News Branch Offices	Area Office Supervisors
	Meat Grading and Certification Branch	Program Assistants
	<u>Poultry Division</u>	National Supervisor
	Market News Branch	Officer-In-Charge
	Grading Branch	Directors Federal-State Supervisors Regional Administrative Officer

		Administrative Support Assistants
	<u>Tobacco Division</u> Regional Offices Seasonal Offices	Regional Directors Program Assistants Assistant Regional Directors Set Work Leaders Circuit Supervisors
	<u>Science Division</u>	Laboratory Directors Field Supervisors
