

KİLİS 7 ARALIK UNIVERSITY
TOURISM AND HOSPITALITY VOCATIONAL SCHOOL
AUTHORITY DELEGATION DIRECTIVE

AUTHORITY

Authority is defined as the power to make legally binding decisions in accordance with the law. In other words, authority expresses which administrative authority or bodies may make decisions or perform actions. Authority is assigned to a duty and to a position. For a public official, authority is a duty, and unless the law provides otherwise, they cannot refrain from exercising this right. In public law, authority is often a legal power that must be used and has the character of a duty.

AUTHORITY TYPES

1-Hierarchical Authority (Command Authority): The power to issue direct orders regarding whether a task should be performed or not to a subordinate. Command authority follows a formal hierarchical direction from top to bottom. Each superior has the direct authority to command their immediate subordinate and, through subordinates, those below them. Command authority culminates in the chain of command. Under command authority, managers are accountable for the results of the authority they exercise and do not have an unlimited right to issue orders.

2-Advisory Authority: A type of authority that assists the administrator rather than performing implementation. Example: Legal Advisors.

3-Functional Authority: Functional authority is the right to issue orders on matters that fall under the responsibility of another unit. The holder of functional authority has the right to issue orders to personnel outside their own unit in areas within their field of expertise. Example: The authority used by the Human Resources department regarding the dress codes of employees in other departments.

AUTHORITY DELEGATION AND RESPONSIBILITY

Responsibility is the obligation to bear the consequences of one's own actions or of any event within one's own area of authority in administrative activities. In delegation of authority, two types of responsibility can be discussed:

- a) Administrative Responsibility; it denotes responsibility of a subordinate to a superior in a hierarchical sense. Delegation of authority does not eliminate the delegator's administrative responsibility.
- b) Financial (Mali) Responsibility; the state and/or individuals being financially liable for damages arising from the use of the authority. The financial responsibility arising from the use of that authority will belong to the one who exercises the authority.

CONTROL ENVIRONMENT STANDARD

Standard: 4. Authority Delegation

- In administrations, powers and the boundaries of authority delegation must be clearly defined and communicated in writing.
- Authority delegation should be carried out with consideration of the importance and risk of the delegated authority.

General requirements for this standard:

4.1. The signatures and approval authorities in workflow processes must be identified and communicated to personnel.

4.2. Authority delegations must be defined in writing to show the boundaries of the delegated authority, within the framework of principles determined by top management, and communicated to

relevant parties.

4.3. Authority delegation must be aligned with the significance of the delegated authority.

4.4. The personnel to whom authority is delegated must possess the knowledge, experience, and skills required for the role.

4.5. The personnel to whom authority is delegated must report information about the use of the delegated authority at fixed intervals, and the delegating authority must seek this information.

AUTHORITY DELEGATION

Generally, authority delegation is defined as “the act of transferring to others the right to make decisions, take actions, or issue orders on a matter, and holding them responsible for the results obtained.” In other words, delegation of authority is the act by which a higher-level manager within the same organization, at their own discretion, transfers some of their powers to lower-level managers under certain conditions. It is accepted in relevant laws and judicial precedents that authority delegation can be carried out only in areas permitted by law.

SIGNATURE DELEGATION

Signature: A form that, to give legality to a document, is always drawn in the same way at the appropriate place and places responsibility on the signer that the document is trustworthy. A signature includes the meanings of a statement, commitment, and acceptance, and it represents the person. Generally, signature delegation is defined as “the authority of the competent entity to have some of the authorized transactions signed by assistants or subordinates.” As with other delegations of authority, it is accepted in doctrine and judicial precedents that signature delegation does not necessarily need to be regulated by law or have a legal foundation. In the delegation of signature authority, the recipient uses this authority on behalf of the delegating authority. The actual owner of the action is the one who delegated the signature authority. Therefore, the decision-making authority remains with the body that delegates the signature authority. Signature delegation is directed personally at a specific official, unlike abstract delegation of authority. As a result of this characteristic difference, signature delegation ends when the delegator or the recipient of the signature authority leaves their duties.

CAREFUL POINTS

a) IN AUTHORITY DELEGATION

- 1- Authority delegation must be grounded in law. Delegation of authority is allowed in cases permitted by laws and in areas allowed by law, and must be in accordance with the hierarchical structure.
- 2- The boundaries of the delegation must be clearly indicated. It must be written in a form that clearly shows monetary or subject limits.
- 3- The delegation must be proportionate to the importance of the delegated authority. Delegation should be made by considering the importance of the delegated authority, should be partial, and should not involve delegation of all powers.
- 4- The public official to whom authority is delegated must possess the knowledge, experience, and skills required by the duty.
- 5- There are authorities that cannot be legally delegated and are not at the discretion of administrations. The use of these authorities is granted directly to a public official by law (for example, appointment authority, power to impose disciplinary penalties).
- 6- The person to whom authority is delegated must provide information to the delegating authority at certain intervals regarding the use of the delegated authority, and the delegating authority should monitor this process.
- 7- Units should develop a reporting format that ensures the person to whom authority is delegated provides information to the delegating authority at specified intervals.
- 8- Delegation of authority, changes to the content of the delegated authority, and the termination of

delegation should be done by “Approval” or “Internal Circular” and communicated to relevant parties.

9- An increase in the delegator’s powers in terms of subject and scope does not automatically broaden the scope or subject of the authorities.

10- The delegated authority cannot in turn be delegated to another person by the recipient.

11- Authority delegation is to a position, not to a person. Even if the person in the delegating or receiving position changes, the delegation remains valid unless terminated.

12- Delegation of authority cannot be made to multiple people for the same matter.

13- As long as the delegation continues, the delegating authority cannot use the delegated authority.

Note: In delegations, the legal responsibility of the delegator remains.

b) SIGNATURE DELEGATION:

1- Signature delegation regulation by law is not mandatory.

2- Signature delegation must be written in a form that clearly shows its boundaries.

3- Signature delegation must be aligned with the importance of the delegated authority and should be partial; not all powers should be delegated.

4- The person to whom the signature is delegated must possess the knowledge, experience, and skills required by the duty.

5- Changes to the signature delegation and its termination should be made by “Approval” or “Directive/General Circular” and communicated to relevant parties.

6- The delegating authority may use its powers at any time because it preserves its own signature authority; in other words, signature delegation does not prevent the delegating side from using the authority itself.

7- Because signature delegation is directed to a specific official personally, continual absence of either the delegating or receiving authority terminates the signature delegation. The signature authority is used under the supervision and control of the delegating authority. Both the delegating and the receiving authorities are responsible for the use of the delegated signature authority.