United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

DIRECTOR'S ORDER NO. 123

Subject: Settlement Agreements for Equal Employment Opportunity Complaints, Personnel Actions, and Conflict Resolution Program

Sec. 1 What is the purpose of this Order? This Order provides policy and implementing procedures for approving settlement agreements resulting from EEO complaints, personnel actions (performance-based, adverse actions or appealed, administrative grievances), and Conflict Resolution (CORE) Program. This Order supersedes Director's Order No. 114, June 25, 1999.

Sec. 2 What is the scope of this Order? This Order applies to individuals who prepare, negotiate, review, and approve EEO complaint, personnel action, or CORE settlement agreements.

Sec. 3 Does this Order apply when the U.S. Attorney's Office or the Department of Justice handles cases going to Federal Court? This Order applies to all settlement agreements. The Solicitor has authority to represent the Service and to enter into settlement agreements when working with the Department of Justice or the U.S. Attorney. However, to ensure that the Director is aware of any settlement activity, discuss potential settlement options with the Assistant Director - Budget, Planning, and Human Resources prior to settlement conferences.

Sec. 4 Does this Order apply when the Merit Systems Protection Board, the Equal Employment Opportunity Commission, or the courts issue a judgment and only the amount of attorneys' fees is in question? No. The Office of the Solicitor will handle all negotiations involving the payment of attorneys' fees.

Sec. 5 Does this Order apply to administrative grievances? Yes, but only after the deciding official makes a decision and the employee appeals that decision to the Office of Hearings and Appeals.

Sec. 6 Who has the authority to approve settlement agreements resulting from EEO complaints and personnel actions? Except as indicated in the table below, only the Director or his/her designee has authority to approve EEO complaint and personnel action settlement agreements for the Service. The Director will also approve all CORE agreements that result in the obligation of fiscal resources (e.g., change in grade or assignment location). The Director <u>may</u> delegate approval to the respective Regional/Assistant Director on a case-by-case basis.

If:	**Approval level is:**
Settlement agreement includes attorneys' fees	Solicitor's Office
EEO settlement agreement is in excess of $40,000	Director, Office for Equal Opportunity, Department of the Interior **Note:** If the Solicitor's Office is representing the Service, the Solicitor must approve also.
EEO settlement agreement involves more than $20,000 in back pay, interest, or compensatory damages, or $20,000 in attorneys' fees	Director, Office for Equal Opportunity, Department of the Interior **Note:** If the Solicitor's Office is representing the Service, the Solicitor must approve also.
EEO complaint is settled as part of the pre-complaint (counseling) process and **no** cash settlement or attorneys' fees are involved	Appropriate Assistant/Regional Director
Personnel action case is settled during the pre-decisional process for adverse, performance-based, or grievance actions and **no** cash settlement or attorneys' fees are involved	Appropriate Assistant/Regional Director
Conflict Resolution (CORE) agreement resolves a workplace issue and does **not** involve obligation of fiscal resources	Appropriate Assistant/Regional Director

Sec. 7 Who reviews settlement agreements?

a. Forward all requests for approval of EEO and personnel settlement agreements through the appropriate Assistant Director or Regional Director to the Assistant Director - Budget, Planning and Human Resources for coordination and concurrence, prior to approval by the Director.

b. Coordination with the Assistant Director - Budget, Planning and Human Resources during the early stages of settlement discussions will help facilitate the review of agreements. Where the parties are entering into Alternative Dispute Resolution or a pre-settlement conference, advance discussion of the case and settlement options may be necessary to determine the bargaining parameters.

Sec. 8 What should I include in a request for approval of the settlement? Include, at a minimum:

a. Statement of the issue(s) and the pro's and con's of the proposed settlement.

b. Copy of proposed settlement agreement and any other pertinent background information.

Sec. 9 What is the effective date of this Order? This Order is effective immediately. Its provisions will remain in effect until incorporated into the Fish and Wildlife Service Manual, or until amended, superseded, or revoked, whichever occurs first.

Sec. 10 When does this Order expire? This Order will expire on June 30, 2001, unless amended, superseded, or revoked.

DIRECTOR

Date: May 16, 2000