

**FISH AND WILDLIFE SERVICE
PERSONNEL**

Personnel

Part 227 Personnel Relations and Services

Chapter 5 Settlement Authority for Personnel Actions

227 FW 5

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OVERVIEW

5.1 What is the purpose of this chapter? This chapter provides policy and procedures for approving settlement agreements resulting from U.S. Fish and Wildlife Service (Service) personnel actions.

5.2 What is the scope of this chapter?

A. This chapter applies to all Service employees who prepare, negotiate, review, and approve settlement agreements resulting from administrative grievances (see 370 Departmental Manual (DM) 771).

B. For settlement agreements related to Equal Employment Opportunity (EEO) actions, see Director’s Order 215 or contact the Office of Diversity and Workforce Management or the Regional Diversity and Civil Rights office.

5.3 What are the responsibilities related to settlements for personnel actions? See Table 5-1.

Table 5-1: Responsibilities Related to Settlements for Personnel Actions

These employees...	Are responsible for...
A. The Director	Approving or declining to approve Servicewide policy.
B. The Assistant Director – Budget, Planning and Human Capital	Approving all settlements resulting from personnel actions that involve monetary payments or material benefit.
C. Directorate members	(1) Ensuring that all personnel action settlements within their areas of responsibility comply with this policy, and (2) Approving personnel action settlements that do not involve monetary payments or material benefit.

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SETTLEMENT AUTHORITY DETAILS

5.4 Who has the authority to approve settlement offers resulting from personnel actions, and what is the process?

A. Before making any offers of monetary payment or material benefit (e.g., promotion, appointment) for personnel-based settlements, the Assistant Director – Budget, Planning and Human Capital (AD–BPHC) must approve the offer in writing. We must also meet the following Department of the Interior (Department) requirements:

(1) Settlement of more than \$40,000 in aggregate (e.g., back pay, interest, costs), or more than \$20,000 for any one component of relief: The local Office of the Solicitor (SOL) must approve the amount before any negotiation begins.

(2) Attorneys' fees: The local SOL must approve attorneys' fees before negotiation begins, regardless of the amount.

B. Before convening mediations under the Merit System Protection Board-mandated settlement conferences, the AD–BPHC must approve bargaining parameters.

C. For settlement offers that do not include monetary payment or material benefit, the Directorate member under whose line authority the complaint arose must approve offers prior to negotiations.

5.5 What happens when the U.S. Attorney's Office or the Department of Justice handles cases going to Federal court? The Department of Justice (DOJ) has broad authority to conduct litigation, including settlements, in cases in which the United States is a party.

A. The DOJ works with SOL to obtain the views of the Agency before entering into negotiations leading to a settlement.

B. Either the Service representative working with SOL on the case or the SOL attorney notifies the AD–BPHC prior to settlement conferences. The AD–BPHC notifies the Director.

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DEPUTY DIRECTOR

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