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# United States Department of the Interior

OFFICE OF THE SOLICITOR

WASHINGTON, D.C. 20240

IN REPLY REFER TO:  
SOL-2024-000029

November 21, 2023

Via email

On October 19, 2023, the U.S. Department of the Interior, Office of the Solicitor received your Freedom of Information Act (FOIA) request. In your request, you specifically ask for:

“A copy of the DOI Solicitor's Handbook.”

Your request has been assigned FOIA Tracking # SOL-2024-000029. Please cite this number in future communications with the Office of the Solicitor concerning your request. We have classified you as an “other-use” requester. As such, we may charge you for some of our duplication costs, but we will not charge you for our search or review costs. You also are entitled to up to 100 pages of photocopies (or an equivalent volume) for free. *See* [43 C.F.R. § 2.39](#). After taking into consideration your fee category entitlements and our processing costs, your fees are less than \$50.00 so we will not bill you because the cost of collection would be greater than the fee collected. *See* [43 C.F.R. § 2.49\(a\)\(1\)](#).

We use Multitrack Processing to process FOIA requests. The Simple track is for requests that would generally take one to five workdays to process. The Normal track is for requests that would generally take six to twenty workdays to process. The Complex track is for requests that would generally take twenty-one to sixty workdays to process. The Extraordinary track is for requests that would generally take more than sixty workdays to process. The Expedited track is for requests that have been granted expedited processing, which are processed as soon as practicable. Within each track, requests are usually processed on a first-in, first-out basis.

Your request falls into the “Normal” processing track.

In response to your FOIA request, we are providing 124 pages of documents being released to you in full. Please see attached.

You may appeal this response to the Department's FOIA Appeals Officer. If you choose to appeal, the FOIA Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this final response. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

**Your appeal must be in writing.** You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe this response is in error. You must also include with your appeal copies of all correspondence between you and the Office of the Solicitor concerning your FOIA request, including your original FOIA request and this response. Failure to include with your appeal all correspondence between you and the Office of the Solicitor will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

#### DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior

Office of the Solicitor

1849 C Street, N.W. MS-6556 MIB

Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339

Fax: (202) 208-6677

Email: [FOIA.Appeals@sol.doi.gov](mailto:FOIA.Appeals@sol.doi.gov)

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. *See* 5 U.S.C. 552(c). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road - OGIS  
College Park, MD 20740-6001

E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)

Web: <https://www.archives.gov/ogis>

Telephone: 202-741-5770

Fax: 202-741-5769

Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

Contact information for the Department's FOIA Public Liaison, who you may also seek dispute resolution services from, is available at <https://www.doi.gov/foia/foiacenters>.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance Purvis". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lance Purvis

Office of the Solicitor FOIA Officer

**Office of the  
Solicitor  
Solicitor's Manual**

Revised: September 18, 2023

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## Part I General Provisions (↑)

### Chapter 1. Purpose and Effective Date

- 1. Purpose.** This Solicitor’s Manual (SM) states the organization, policies and procedures for the operation of the Office of the Solicitor (SOL) in the U.S. Department of the Interior (Department of Interior or DOI). Each SOL employee is expected to know and follow the policies and procedures set forth in this manual.
- 2. Effective Date.** On December 2, 2020, the SM was completely revised from prior versions. Further revisions to specific chapters were incorporated into the SM on April 26, 2021, and July 8, 2021. On October 22, 2021, the SM’s chapters were reorganized, and several revisions and additions were made. Further revisions to incorporate new policies and to provide greater clarity were made on September 18, 2023. The effective date of this version of the SM is September 18, 2023, and it supersedes all previous versions. The delegations, organizational structure, assignments of responsibility, designations, policies, and procedures contained herein are the current directives of the Solicitor and require no additional documentation to become operative.

### Chapter 2. Authority

- 1. The Solicitor.** The SM is prepared and maintained under the general supervision of the Solicitor, exercising authority under applicable statutes, regulations, Departmental Manual (DM) provisions, and Secretary’s Orders (SO). 43 U.S.C. § 1455; Reorganization Plan No. 3 of 1950, 64 Stat. 1262; 209 DM 3; 110 DM 2
- 2. Order of Authority.** To the extent that the SM is in conflict with any Federal statute or regulation, DM provision, or SO, such statute, regulation, DM provision or SO will take precedence over the SM.
- 3. Citation.** For use as citation, the Solicitor’s Manual may be abbreviated as “SM”. The following format should be used for citation to the Solicitor’s Manual: [Part number in Roman numerals] SM [Chapter number, with paragraphs and subparagraphs enclosed in parenthesis], e.g., IV SM 2(3)(a)(vii).

### Chapter 3. Formatting, Revising, and Publishing the Manual (Revised September 18, 2023)

- 1. Proposing Revisions to the SM.** The Office of the Solicitor encourages all employees to identify and propose revisions to the SM that will be beneficial to or clarify Office operations and procedures. Any SOL employee may submit proposed revisions by



transmitting an email to the Executive Assistant to the Solicitor with the text of the proposed change, the purpose of the proposed change, and reference to any existing policies or legal authorities that require or support the proposed change.

2. **Evaluating Proposed Revisions.** The Executive Assistant to the Solicitor is responsible for receipt of all proposed revisions to the SM, and for identifying potential changes to the SM necessitated by new or revised Departmental policies. The Executive Assistant to the Solicitor will confer with the Associate Solicitor for Administration and the Associate Solicitor for General Law, as appropriate, prior to submitting proposed changes to the Solicitor. Drafting errors may be corrected by the Executive Assistant to the Solicitor without further approval. Any other modification of the SM must be approved by the Solicitor.
3. **Notating the Date of Substantive Revisions.** The most recent date of any substantive revision to the manual will be noted by parenthetically stating the date of the revision adjacent to the name of the chapter in the Table of Contents and in the body of the SM, i.e., “(Revised September 18, 2023)” for revised chapters or “(New September 18, 2023)” for new chapters.
4. **Gender Neutrality.** The Manual will avoid use of gender-specific language.
5. **References to Office of the Solicitor Directors and Offices.** Except where specified otherwise in the SM, references to “Associate Solicitors” will also apply to the Director of the Departmental Ethics Office (DEO), the Director of the Departmental Freedom of Information Act Office (DFO), and the Director of the Indian Trust Litigation Office (ITLO), and references to “Divisions” will include DEO, DFO, and ITLO.
6. **Publishing the Manual.** The Associate Solicitor for Administration is responsible for publishing the most current version of the SM, in electronic form, in a manner that is accessible to all SOL employees. To ensure compliance with Section 508 of the Rehabilitation Act and other applicable laws, and to assist visually impaired readers, the SM will be published using a sans serif font, specifically 12-point Calibri.

## **Part II Office of the Solicitor Organization and Functions (↑)**

### **Chapter 1. Secretary as Client**

1. Pursuant to Section 1 of Reorganization Plan No. 3 of 1950 and its codification and affirmation by Congress in 1984 following *Immigration and Naturalization Service v. Chadha*, 462 U.S. 919 (1983), Congress statutorily transferred to the Secretary of the

Interior (Secretary) all functions of all officers, agencies, and employees of the Department (with minor exceptions set forth in Section 1(B)). The Secretary may then delegate these functions as the Secretary deems best pursuant to Section 2. *See also* [43 U.S.C. § 1457](#), which directs the Secretary to oversee all public business of the Department. Thus, the Secretary of the Interior, performing duties in an official capacity, is the only client of the Office of the Solicitor.

2. Attorneys must be mindful that although, as noted in ABA Model Rule 1.13(b), “[a] lawyer employed or retained by an organization represents the organization acting through its duly authorized constituent,” each such “duly authorized constituent” received their delegation from the Secretary and that the Secretary is and remains the Office’s only client. Accordingly, officers subordinate to the Secretary serve as client-representatives. Priorities of client-representatives may be addressed to the extent they conform with those of the Secretary or with applicable legal requirements.
3. The Departmental Manual at 109 DM 3 and 209 DM 3 directs that the legal work of the Department will be performed under the supervision and direction of the Solicitor. SOL attorneys are authorized to practice law on behalf of the U.S. Government. Such legal work often will qualify for assertion of a privilege.

## **Chapter 2. The Office**

### **1. Mission.**

- a. The Office of the Solicitor conducts the mission of providing legal counsel and advice to the Department and inspiring high ethical standards. The Office provides legal representation and other services to the Secretary, the Deputy Secretary, the Assistant Secretaries, and all Department bureaus and offices, ensuring that components of the Department carry out their responsibilities in accordance with the law. SOL provides legal representation across the entire spectrum of the Department’s broad mission. SOL attorneys represent the Department in administrative hearings and work in conjunction with the Department of Justice in representing the Department in judicial proceedings throughout the United States. SOL also provides legal assistance in drafting and reviewing proposed legislation, regulations, contracts, title documents, and other legal instruments. In addition, SOL manages the Department’s Ethics Office and Freedom of Information Act Office.
- b. The work of the Office affects every program within the Secretary’s jurisdiction. SOL attorneys actively engage in client counseling to ensure sound

decision-making, including implementation of strategies that may decrease the likelihood of litigation and corrective post-litigation actions. SOL attorneys assist the Secretary, through the Departmental bureaus and offices, in responding to congressional direction in appropriations and substantive legislation, advising the bureaus and offices on legal options for streamlining processes and improving program management, and implementing plans to carry out departmental goals. The Office also assists the bureaus in responding to requests from the Inspector General, the Office of Special Counsel, the Congress, the courts, and the public.

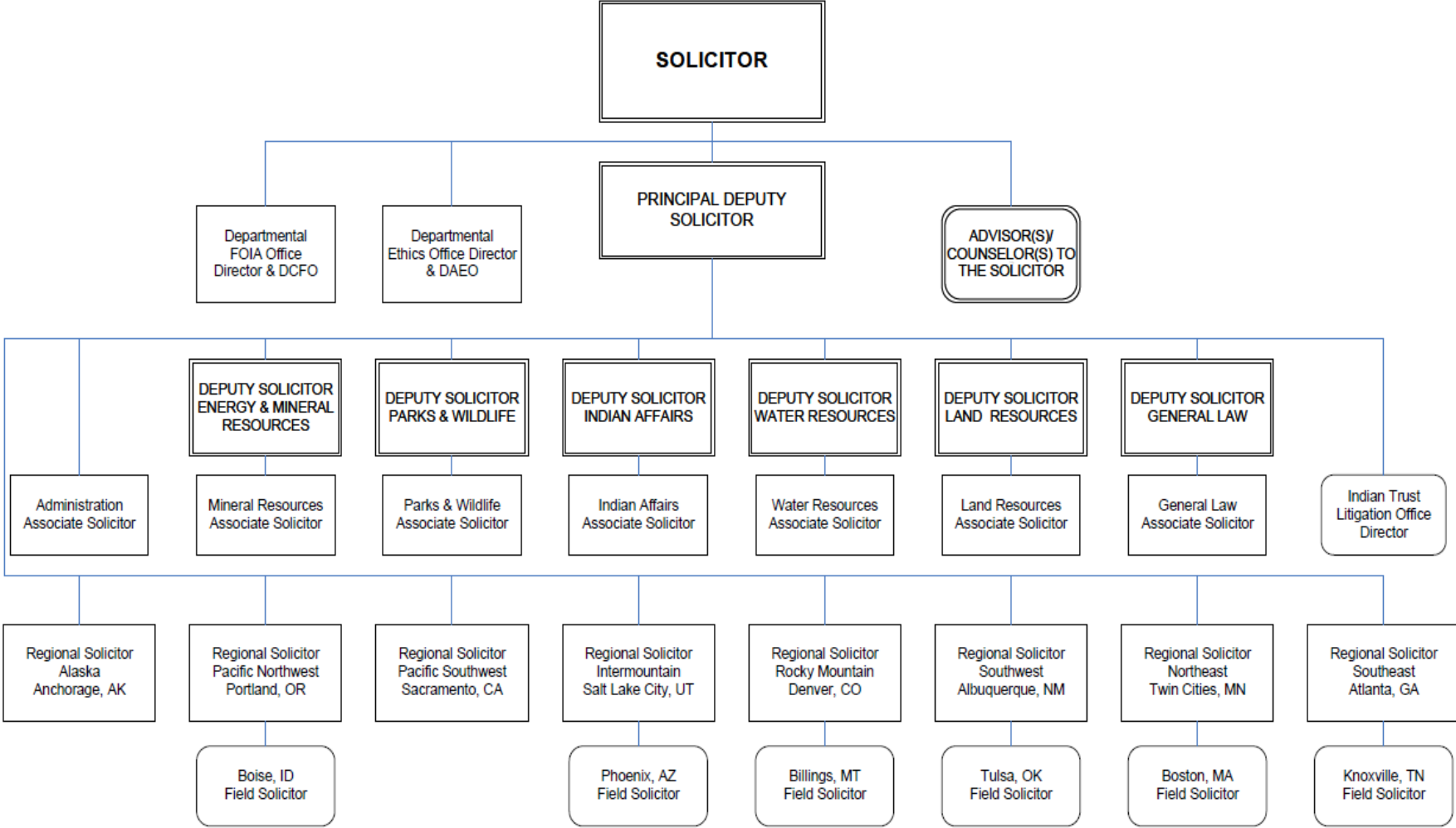
## **2. Exclusive Legal Role.**

- a.** With the exception of the Office of Hearings and Appeals, the Inspector General, the Legislative Counsel, and the Justices of American Samoa, all legal work in the Department is conducted exclusively in the Office of the Solicitor. Legal work is broadly defined and includes providing advice regarding the interpretation and application of all legal authority, including statutes, regulations, judicial decisions, and executive and other orders, affecting actions proposed or taken under the Department's programs and operations. This includes matters related to administrative and judicial litigation. No employee assigned to a Departmental bureau or office other than those identified in this paragraph may render legal advice to, or conduct the practice of law on behalf of, the Secretary, the Department, or its bureaus or offices.
- b.** Legal interpretation, advice, or representation in any matter must be obtained only from SOL attorneys. This long-standing requirement ensures that bureaus receive consistent and authorized legal support and also helps to avoid conflicts of interest or bias in disputes between bureaus. Additionally, the attorney-client and attorney work-product privileges, which are important protections of the Department's legal interests, apply only to legal advice from SOL attorneys.
- c.** Regardless of their professional credentials, Department employees not in the 0905 OPM series (or other series requiring a law license and bar membership) acting in their official capacities must not represent themselves as lawyers or as providing legal advice in either oral or written communication. To avoid creating that impression, non-SOL employees (other than those excepted by this chapter) should avoid the use of designations such as "attorney-at-law," "esquire," and "J.D." in signature blocks or email closings. Use of these

designations creates an untenable risk that the sender is perceived to be acting as an attorney for the Department and is providing legal advice. SOL employees should notify their supervisor if they become aware of a violation of this paragraph.

- 3. Organization.** As stated in the Departmental Manual at 110 DM 2.1, the Office of the Solicitor “consists of a headquarters organization in Washington, D.C., and regional and field offices located throughout the United States.” An organizational chart follows.

**DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SOLICITOR  
ORGANIZATIONAL CHART**



**Chapter 3. Headquarters – Washington, D.C., Offices (Revised September 18, 2023).**

The Washington, D.C., office is organized into the Immediate Office of the Solicitor, which includes the Indian Trust Litigation Office (ITLO); the Departmental Ethics Office (DEO); the Departmental Freedom of Information Act Office (DFO); six legal divisions; and the Division of Administration. Each legal division, as well as the Division of Administration, is directed by an Associate Solicitor. Attorneys under the supervision of Associate Solicitors render legal services for Interior's programs. *See also* 110 DM 2.2.

- 1. Immediate Office of the Solicitor.** The Immediate Office of the Solicitor includes the Solicitor, the Principal Deputy Solicitor, Deputy Solicitors, Advisors/Counselors, ITLO, the Executive Assistant to the Solicitor and other administrative support staff. The Immediate Office of the Solicitor is responsible for directing the legal work of the Solicitor's Office.
  - a. Solicitor.** Pursuant to 32 U.S.C. § 1455, the Solicitor is the chief legal officer of the Department and the principal legal adviser to the Secretary. The Solicitor is responsible for establishing all policies pertaining to legal matters and for all legal work in the Department, except for that delegated to the Office of Hearings and Appeals, the Inspector General, the Legislative Counsel, and the Justices of American Samoa. Further responsibilities are set forth in the Departmental Manual at 109 DM 3 and 110 DM 2.2(A); delegated authorities are set forth in Part 205 and 209 DM 3. The Solicitor is appointed by the President with the advice and consent of the Senate. The Principal Deputy Solicitor, the Director of the Departmental Ethics Office, and the Director of the Departmental Freedom of Information Act Office report directly to the Solicitor.
  - b. Principal Deputy Solicitor.** The Principal Deputy Solicitor reports directly to the Solicitor and is vested with the Solicitor's authority to make legal policy and to manage SOL. Further responsibilities are set forth in the Departmental Manual at 110 DM 2.2(B). The Deputy Solicitors, the Associate Solicitor for Administration, the Director of the Indian Trust Litigation Office, and the Regional Solicitors report directly to the Principal Deputy Solicitor.
  - c. Deputy Solicitors.** Deputy Solicitors report to the Principal Deputy Solicitor and carry out legal policy pertaining to subject matter assigned to their respective Divisions, as well as substantive responsibilities as needed to facilitate coordination of complex issues within SOL. The Associate Solicitors of the six legal divisions each report directly to a Deputy Solicitor.

**d. Indian Trust Litigation Office (ITLO).** ITLO provides legal counsel and defends litigation filed against the Department in Federal courts throughout the United States by individual Indians and Indian Tribes. This litigation typically addresses the Secretary's trust duties with respect to trust fund accounting, trust fund management, and management of non-monetary natural resource trust assets. ITLO has primary responsibility for matters filed in the United States Court of Federal Claims seeking money damages under the Tucker Act and Indian Tucker Act, 28 U.S.C. §§ 1491 and 1505, for alleged breaches of fiduciary trust, and actions for declaratory and injunctive relief in district courts seeking to enforce compliance with a fiduciary trust duty. ITLO is managed by a Director.

**2. Departmental Ethics Office (DEO).** The DEO is responsible for directing and performing the daily activities of the Department's ethics program and coordinating with the Office of Government Ethics (OGE) and the Office of the Special Counsel. The DEO is responsible for implementing ethics-related laws, executive orders, regulations and departmental policies, including the Ethics in Government Act of 1978, as amended; the Hatch Act of 1939, as amended; 5 C.F.R. Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Ethical Conduct), and other Government-wide ethics regulations promulgated by the OGE; the Department's supplemental ethics regulations; and certain Department policies governing employee responsibilities and conduct. The DEO's responsibilities include management of the Department's ethics program, as well as the rendering of legal advice on ethics-related matters. To meet the needs of the Department's ethics program, the organization of the DEO includes a Financial Disclosure Branch; an Advice and Counsel Branch; a Training, Education and Communication Branch; a Policy and Compliance Branch; and a National Bureau and Office Program Branch, which oversees the work of the Deputy Ethics Counselors and their respective ethics teams.

**a. DEO Director/Designated Agency Ethics Official (DAEO).** The DEO is managed by a Director, who is also designated as the DAEO by the Secretary. The Director, DEO/DAEO is responsible for managing an ethics program that: (1) performs the responsibilities set forth in 5 C.F.R. § 2638.104 in a consistent manner across the Department, including providing advice and counsel to Department employees, directing an effective ethics education and training program, and administering an effective financial disclosure program; (2) carries out the Department's consolidated ethics program functions and management responsibilities; (3) develops and oversees implementation of all ethics policies, procedures, and guidelines across the Department, including

Department-wide policies, as well as bureau/office-specific ethics policies, if necessary; and (4) regularly advises the Secretary, Assistant Secretaries, and bureau/office Directors regarding all aspects of DOI's ethics program and overall compliance with applicable legal and programmatic requirements.

- b. Deputy Ethics Counselors (DEC).** DECs are responsible for directing and performing the daily activities of the ethics program for their respective bureau/office. DECs within the DEO are responsible for performing the ethics program functions designated to them by the DEO Director/DAEO.

**3. Departmental Freedom of Information Act Office (DFO).** The DFO was established by Secretary's Order 3378, *Improving the Department of the Interior Freedom of Information Act Program* (Jan. 7, 2020), to provide central governance over the bureau/office Freedom of Information Act (FOIA) offices and improve their FOIA request processing capacity. Bureaus/offices retain authority and responsibility for the day-to-day management of their FOIA operations, but the FOIA offices are overseen by the DFO and must comply with DFO policies and directives.

- a. Deputy Chief FOIA Officer (DCFO).** The position of Deputy Chief FOIA Officer (DCFO) was established by Secretary's Order 3371, *The Department of the Interior Freedom of Information Act Program* (Nov. 20, 2018), and is assigned to the Director of the DFO. The bureau/office FOIA Officers have a dual reporting relationship to the DCFO and their respective Bureau Deputy Directors. The DCFO provides direction and oversight to the bureau/office FOIA offices through the functions of the DFO.

**b. Responsibilities.** The DFO administers the following functions:

- i. Policy and Operational Support.** The DFO issues Department-wide policies and guidance to foster efficiency and consistency in FOIA processing. The DFO's FOIA Support Team (FST) consists of DFO attorneys and rotating personnel from the FOIA offices of the component bureaus/offices. The FST provides strategic and targeted operational assistance to bureaus/offices to help address particularly challenging issues such as intractable backlogs, systemic problems, and complex or cross-cutting requests.
- ii. Human Capital, Technology, and Communications.** The DFO establishes appropriate FOIA program management elements to ensure uniformity in position descriptions and performance plans of FOIA personnel,



approves hiring decisions for the bureau/office FOIA Officer position, and otherwise works with the bureau/office FOIA offices to ensure that FOIA personnel are highly qualified and FOIA offices are adequately staffed. The DFO also coordinates and oversees the deployment of technology to facilitate efficient tracking, case management, and processing by bureaus/offices.

iii. **Coordination and Oversight.** The DFO monitors and evaluates the operations of the bureau/office FOIA offices to ensure compliance with FOIA as well as Department regulations, policies, and best practices. The DFO also works with the FOIA offices to develop and implement appropriate quality control measures to reduce processing errors, litigation, and inefficiencies. In addition, the DFO coordinates with the FOIA offices to meet the Department's statutorily mandated reporting requirements. A designated DFO staff member serves as the Department's FOIA Public Liaison, with responsibility for fielding concerns raised by requesters about the handling of their requests when they are not able to resolve their concerns at the bureau/office level.

4. **Division of Administration (DAD).** Under the direction of an Associate Solicitor, the Division of Administration is responsible for providing and coordinating all management, operational and administrative services required by SOL. The Division consists of two branches, each of which is supervised by a Deputy Director: The Branch of Administrative Operations and Planning (AOP), and the Branch of Information Resource Management (IRM). Responsibilities assigned to the Division of Administration include: organizational, strategic, and performance planning; program evaluation and execution; budget formulation, justification, and execution; human resources and position management; employee development and training; space and property management; procurement services; information technology (IT) planning and services; law practice support and legal technology services; communications; continuity of operations (COOP) and safety; FOIA processing; and records management. The Associate Solicitor for Administration reports directly to the Principal Deputy Solicitor.

5. **Division of General Law (DGL).** The Division of General Law is responsible for administrative and general legal matters including acquisition, information law, tort claims, insular areas, employment and labor law, legislative and appropriations issues and intellectual property. In addition, the Division provides legal assistance and counsel to the Assistant Secretary for Policy, Management and Budget; and to the

Chief Information Officer. The Division is directed by an Associate Solicitor, and has four components: The General Legal Services Branch, supervised by an Assistant Solicitor; the Acquisitions and Intellectual Property Branch, supervised by an Assistant Solicitor; the Torts Practice Branch, supervised by an Assistant Solicitor; and the Employment and Labor Law Unit (ELLU), supervised by a Director. The Division is also home to the FOIA and Privacy Act Appeals Office, overseen by the Department's FOIA/Privacy Act Appeals Officer.

- a. Branch of General Legal Services (GLS).** GLS has responsibility for legal matters and litigation related to Federal administrative law including budget and appropriations, financial management, FOIA, FOIA appeals, records management, electronic data management/e-discovery, partnerships, the Federal Advisory Committee Act, the Privacy Act, Privacy Act appeals, the Administrative Procedure Act, and employee travel and similar matters. It addresses internal delegations of authority, departmental law enforcement policies, insular areas, information technology, scientific integrity, rulemaking, congressional oversight, and all other related and general matters not specifically the responsibility of any other branch or division. In addition, it provides legal sufficiency review for both SOL FOIA and U.S. Geological Survey (USGS) FOIA. A portion of GLS's practice is devoted to providing early legal engagement, counseling, and review for clients from across all Department bureaus and offices, while ensuring consistency in Federal administrative law practice throughout SOL.
- b. Branch of Acquisitions and Intellectual Property (AIP).** AIP has responsibility for legal matters related to the Department's acquisition functions, including review of contracts, solicitations, and proposed contract awards; related claims, litigation, and bid protests at the Government Accountability Office (GAO), the Civilian Board of Contract Appeals, and the U.S. Court of Federal Claims; use of revolving and franchise funds; interagency agreements; grants and cooperative agreements; patents, copyrights, trademarks, rights in data, and other forms of intellectual property including licenses and technology transfer agreements; legal support of high-priority contracting and assistance actions, including major information technology systems; and providing other key advice supporting Secretarial priorities. AIP provides early legal engagement, counseling and review for diverse clients, while striving for consistency in AIP's practice areas throughout SOL.

- c. Torts Practice Branch (TPB).** The TPB provides a unified and comprehensive approach to managing the Department of the Interior's administrative claims and judicial litigation filed pursuant to the Federal Tort Claims Act (FTCA) and employee claims for property damage filed pursuant to the Military Personnel and Civilian Employees Claims Act. More particularly, TBP is responsible for providing a legal sufficiency review for all tort claims, employee claims seeking property damages, and all associated litigation filed against the Department and its bureaus. The U.S. Department of Justice represents the Department in Federal district and circuit courts with the active support of the TPB for tort litigation. TBP also provides proactive risk-management counsel to help reduce the number of overall tort claims received annually, while helping to ensure that SOL is best prepared to represent the client in addressing claims. TPB is staffed by a national practice group of attorneys and paralegals.
- d. Employment and Labor Law Unit (ELLU).** The ELLU counsels client representatives and litigates matters relevant to civil service laws found in 5 U.S.C. §§ 2101-9101; Title VII of the Civil Rights Act of 1964 as applied to the Federal government through the Equal Employment Opportunity Act of 1972, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 as applied to the Federal government through the Rehabilitation Act amendments of 1992, the Whistleblower Protection Act of 1989 and its amendments, the Federal Service Labor-Management Relations Statute, the Older Workers Benefits Protection Act of 1990, the Equal Pay Act of 1964, the Veterans Employment Opportunity Act, the Uniformed Services Employment and Reemployment Rights Act, the Genetic Information Nondiscrimination Act, the Family and Medical Leave Act, and the Notification and Federal Employee Antidiscrimination and Retaliation Act, among other laws. Through these litigation and counseling activities, ELLU protects the Department, assists the Department in holding employees accountable for misconduct, and helps to advance the Department's goal of having a work environment free from discrimination, including harassment, based on race, color, religion, sex (including pregnancy and gender identity and sexual orientation), national origin, age, disability, genetic information (including family medical history), status as a parent, marital status, political affiliation, and protected EEO activity. ELLU is staffed by a national practice group of attorneys and paralegals.
- e. FOIA and Privacy Act Appeals Office.** Overseen by the Department's FOIA and Privacy Act Appeals Officer, the FOIA and Privacy Act Appeals Office renders

opinions on administrative appeals brought by requesters seeking records under the FOIA, 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 552a.

- 6. Division of Indian Affairs (DIA).** The Division of Indian Affairs is responsible for legal matters related to the issues and programs affecting federally recognized Indian tribes, enrolled tribal members, and other entities and individuals with which the Department interacts pursuant to applicable law. DIA assists components of the Department in their operations furthering the government-to-government relationship with federally recognized tribes. This includes the Office of the Assistant Secretary for Indian Affairs, Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), and Bureau of Trust Funds Administration. The Division is directed by an Associate Solicitor and has four branches: The Branch of Environment and Lands, the Branch of Self- Governance and Economic Development, the Branch of Tribal Government Services, and the Branch of Trust Services, each supervised by an Assistant Solicitor.
- a. Branch of Environment and Lands (BEL).** BEL provides legal advice on matters involving the Department carrying out its responsibilities toward federally recognized Indian tribes and individual Indians related to the acquisition, management, and protection of land, reservation boundary issues, and the protection of the environment, including natural and cultural resources.
  - b. Branch of Self-Governance and Economic Development (SGED).** SGED provides legal advice on matters related to tribal self-determination and self- governance, economic development, gaming, and a wide range of Indian Affairs program activities including housing, social services, transportation, judicial services, law enforcement, capital investment, construction, and leasing.
  - c. Branch of Tribal Government Services (TGS).** TGS provides legal advice on matters concerning Federal acknowledgment of Indian tribes; the organization of tribal governments; and the scope, extent and exercise of tribal governmental authority in internal and external relations. This subject matter includes questions of membership; the adoption and modification under Federal statute of tribal constitutions and corporate charters; leadership disputes; Indian preference; matters pertaining to Native Hawaiians; Indian Child Welfare Act matters; treaty rights; international issues; and Bad Man claims. The Branch also provides legal services to BIE leadership in operating Federal schools for Indians and in providing contracts and grants to tribal schools.

- d. Branch of Trust Services (BTS).** BTS provides legal advice to the Bureau of Trust Funds Administration (BTFA) on all matters regarding the management and accounting of the financial assets held in trust for both tribal and individual Indian trust beneficiaries. BTS also provides legal advice on matters concerning probate issues including Tribal probate codes, various social services issues, the Land Title and Records Office, the Indian Trust Asset Reform Act, Hearth Act regulations, the Appraisal and Valuations Services Office, and the Land Buy Back Program for Tribal Nations.
  
- 7. Division of Land Resources (DLR).** The Division of Land Resources is responsible for legal matters related to the programs and activities of the Bureau of Land Management (BLM), other than legal matters concerning BLM mineral programs. The Division is also responsible for asserting, on behalf of all of the Department’s bureaus, affirmative claims seeking reimbursement under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) for costs incurred by those bureaus in remediating contamination on bureau lands. The Division also defends the bureaus in contribution actions asserted against them under CERCLA for response actions on bureau lands. In addition, the Division provides legal assistance and counsel to the Assistant Secretary for Land and Minerals Management, and with respect to matters concerning operation of the Department’s Central Hazardous Materials Fund, to the Assistant Secretary for Policy, Management and Budget and the Office of Environmental Policy and Compliance. The Division is directed by an Associate Solicitor and has two branches, each supervised by an Assistant Solicitor.

  - a. Branch of Public Lands.** The Branch of Public Lands has responsibility for legal matters related to BLM land management functions, including land use planning; livestock grazing; wild horses and burros; forest management; withdrawals; national monuments; land acquisitions, disposals, surveys, boundaries, classifications and titles; current and historic rights-of-way, including for solar and wind energy generation and transmission, and pipelines; recreation; wildland fire issues; trespass; law enforcement; water rights (in consultation with the Division of Water Resources); and wilderness.
  - b. Branch of Environmental Compliance and Response.** The Branch of Environmental Compliance and Response has responsibility for legal matters related to implementation of response actions, cost recovery, and cost avoidance, involving cases funded from the Department’s Central Hazardous Materials Fund and other matters addressing a response to a release or threatened release of hazardous substances on Department-managed lands.

The Branch also has responsibility for legal assistance and counsel with respect to issues of environmental compliance that arise under CERCLA at Department facilities, as well as environmental liabilities that arise during real property transactions. The Branch works closely with the U.S. Environmental Protection Agency, the Department of Defense, and other agencies in promoting the cleanup of mixed- ownership sites (private and public lands) and facilitating the remediation of formerly used defense sites. The Branch also coordinates its response activities with the Department's Natural Resources Damage Assessment and Restoration program.

- 8. Division of Mineral Resources (DMR).** The Division of Mineral Resources is responsible for legal matters related to the programs and activities of the Bureau of Land Management's (BLM) minerals programs, the Bureau of Ocean Energy Management (BOEM), the Bureau of Safety and Environmental Enforcement (BSEE), the Office of Surface Mining Reclamation and Enforcement (OSMRE), and the U.S. Geological Survey (USGS) other than those related to its Biological Research Division. The Division provides legal assistance and counsel related to minerals-related matters to the Assistant Secretary for Land and Minerals Management. The Division is directed by an Associate Solicitor and five branches, each supervised by an Assistant Solicitor.
  - a. Branch of Conventional Ocean Resources.** The Branch of Conventional Ocean Resources provides legal support to the Bureau of Ocean Energy Management (BOEM) as it administers its offshore conventional energy program, including offshore oil and gas leasing and plans for oil and gas exploration and development; provides access to marine minerals for beach renourishment and other coastal restoration projects; and implements an offshore carbon sequestration program. The Branch provides legal advice on BOEM's offshore conventional energy program transactional and financial issues, administrative and environmental laws, legislative proposals, and administrative and judicial litigation, and also collaborates with the Department of Justice on judicial litigation related to BOEM's offshore conventional energy work.
  - b. Branch of Renewable Ocean Resources.** The Branch of Renewable Ocean Resources provides legal support to BOEM as it administers its offshore renewable energy program, including offshore wind energy leasing and development. The Branch provides legal advice on BOEM's offshore renewable energy program transactional and financial issues, administrative and environmental laws, legislative proposals, and administrative and judicial

litigation, and also collaborates with the Department of Justice on judicial litigation related to BOEM's offshore renewable energy work.

- c. Branch of Offshore Safety and Enforcement.** The Branch of Offshore Safety and Enforcement provides legal services to BSEE. It is responsible for legal matters related to regulation of mineral and renewable energy operations on OCS leases, including drafting environmental and safety regulations; enforcing such regulations through issuance of incidents of noncompliance and assessment of civil penalties; ensuring compliant offshore facility construction, maintenance, and decommissioning; facilitating offshore facility inspections, investigations, and oil spill response planning; and protecting the interests of the United States in bankruptcy proceedings and in legal challenges to Departmental rules and enforcement actions.
  - d. Branch of Onshore Minerals.** The Branch of Onshore Minerals provides legal services to the mineral programs of BLM and USGS. It is responsible for legal matters related to Federal coal, oil, and gas; locatable hardrock minerals; leasable solid minerals; and mineral materials. Additionally, it advises BLM about legal issues related to geothermal resources and helium resources disposition, development, and extraction; environmental regulation and protection; and reclamation and remediation. Its duties include assisting in rulemaking, litigation defending regulations and other decisions, review of policy documents, and helping attorneys in regional offices with litigation concerning BLM's minerals programs. The Branch also assists BLM in its regulatory responsibilities on Indian trust and restricted lands and counsels BLM concerning bankruptcies of multistate developers of onshore Federal minerals.
  - e. Branch of Surface Mining.** The Branch of Surface Mining provides legal services to OSMRE. It is responsible for legal matters related to OSMRE programs and activities, including regulatory programs, enforcement and collections, and abandoned mine land reclamation.
- 9. Division of Parks and Wildlife (DPW).** The Division of Parks and Wildlife is responsible for legal matters related to the programs and activities of the National Park Service (NPS), the U.S. Fish and Wildlife Service (FWS), and the Biological Research Division of the USGS. In addition, the division provides legal assistance and counsel to the Assistant Secretary for Fish and Wildlife and Parks and the Assistant Secretary for Water and Science. The Division has an Associate Solicitor and three branches, each supervised by an Assistant Solicitor.

- a. Branch of National Parks.** The Branch of National Parks has responsibility for legal matters related to NPS’s programs, activities, and policies concerning management and preservation of resources within the National Park System, including protection of cultural and historical resources; First Amendment issues; law enforcement; concessions, leases and other commercial services; intellectual property; Native American issues; and wilderness. The Branch also is responsible for legal matters related to the programs, activities and policies of NPS’s National Capital Region and the U.S. Park Police.
  - b. Branch of Fish and Wildlife.** The Branch of Fish and Wildlife has responsibility for legal issues related to the programs, activities, and policies of the Department and FWS concerning conservation; the preservation of migratory birds, fish, endangered species, game, and marine mammals, and their habitats throughout the United States and its possessions and territorial waters; the protection, management, and use of natural and cultural resources within the National Wildlife Refuge System; and interaction and liaison between the Department and other Federal and State agencies, foreign countries, and international organizations.
  - c. Branch of Environmental Restoration.** The Branch of Environmental Restoration is responsible for legal activities related to the restoration and protection of public natural resources managed by the Department, including Federal lands and waters, fish and wildlife, endangered species and tribal resources. These activities include the legal work necessary to develop sound, equitable, and cost-effective claims to address activities that injure or destroy public natural resources. It also includes the legal and environmental compliance work required to actually implement on-the-ground projects to restore or replace injured natural resources.
- 10. Division of Water Resources (DWR).** The Division of Water Resources is responsible for water rights legal matters for the Bureau of Reclamation (BOR), BLM, NPS, FWS, BIA and USGS. In addition, the Division provides legal assistance and counsel to the Assistant Secretary for Water and Science and the Secretary’s Indian Water Rights Office. The Division has an Associate Solicitor and two branches, each supervised by an Assistant Solicitor.
- a. Branch of Water and Power.** The Branch of Water and Power has responsibility for legal matters related to the assertion and administration of



water rights by all bureaus within the Department other than BLM<sup>1</sup> and water rights asserted on behalf of Tribes and individual Indians. The Branch provides legal advice on Reclamation law including contracting for water delivery; repayment, and operation and maintenance; hydropower development; water research and technology; water policy; and water rights. The Branch coordinates assertion and defense of all bureau, State-law based, and Federal reserved water rights. The Branch helps bureaus resolve issues concerning major water resources such as the Colorado River and the Central Valley Project in California, as well as matters related to interstate compacts.

- b. Branch of Indian Water Rights.** The Branch of Indian Water Rights has responsibility for legal matters related to BIA programs and activities with respect to water rights held in trust by the United States for Indian tribes and allottees, including adjudications and congressional settlements of Indian water rights, license applications before the Federal Energy Regulatory Commission, and related non-Federal hydroelectric power projects that affect Indian reservations and resources, and the operation and maintenance of BIA irrigation projects. The Branch also provides legal support to the Secretary's Indian Water Rights Office regarding the negotiation and implementation of Indian water rights settlements.

**Chapter 4. Regional and Field Offices (Revised September 18, 2023).** The Department's regional activities are served by eight regional offices and six field offices.<sup>2</sup> Each regional office is directed by a Regional Solicitor, who may also be responsible for one or more field offices. Regional Solicitors report directly to the Principal Deputy Solicitor.<sup>3</sup> *See also* 110 DM 2.3. Except when assigned or delegated in the SM to another SOL official or component, regional office

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<sup>1</sup> The Division of Land Resources consults with the Division of Water Resources on water rights matters involving the BLM.

<sup>2</sup> Two offices, the Pittsburgh Field Office in the Northeast Region and the San Francisco Field Office in the Pacific Southwest Region, were closed in 2023.

<sup>3</sup> Employees assigned to the Division of General Law's Employment and Labor Unit (ELLU) or Torts Practice Branch or to the Departmental Ethics Office (DEO) may have a regional or field office designated as their official duty station. Additionally, when in the interest of the Office of the Solicitor and approved by the Associate Solicitor for Administration, employees assigned to an SOL division, region or office may have a regional or field office (or a different regional or field office than their assigned office) designated as their official duty station. Under such circumstances, supervision of the employee remains with the employee's assigned division, region, or office. Regional and field office supervisors should ensure that the employee, while not under their supervision, receives access to all office facilities, equipment, and supplies, and is invited to attend training opportunities, office-wide meetings of general interest, and other activities.

responsibilities are stated in this chapter and are summarized in the table found in [Appendix I](#). References to “all Department bureaus” in this chapter include the Bureau of Indian Affairs (BIA), the Bureau of Land Management (BLM), the Bureau of Reclamation (BOR), the National Park Service (NPS), the Office of Surface Mining Reclamation and Enforcement (OSMRE), the U.S. Fish and Wildlife Service (FWS), and the U.S. Geological Survey (USGS).

- 1. Alaska Region (AKR).** The Alaska Region is directed by a Regional Solicitor and is responsible for legal matters in Alaska for all Department bureaus except OSMRE and those involving the BIA for the Metlakatla Indian Community, Annette Island Reserve. The Office of the Regional Solicitor is located in the Anchorage, Alaska, metropolitan area.
- 2. Intermountain Region (IMR).** The Intermountain Region is directed by a Regional Solicitor and is responsible for legal matters on the Navajo Reservation for BLM in Arizona and Utah and for BOR in Arizona; legal matters involving Glen Canyon National Recreation Area in Arizona and Utah and Pipe Spring National Monument in Arizona, except for NPS concessions contracts; legal matters in the rest of Arizona for all Department bureaus except FWS, NPS and OSMRE; legal matters in the rest of Utah for all Department bureaus except FWS, OSMRE, and NPS concessions contracts; legal matters for BOR in California for the Lower Colorado Basin, Colorado for the Upper Colorado Basin west of the Continental Divide, New Mexico, Texas for the Pecos River and west, and Wyoming for the Upper Colorado Basin; and legal matters in Nevada for BOR in the Lower Colorado Basin and for BIA. Responsibility for matters in New Mexico and Texas are shared with the Southwest Region. The Office of the Regional Solicitor is located in the Salt Lake City, Utah, metropolitan area. A subordinate field office is supervised by a Field Solicitor under the direction of the Regional Solicitor and is located in the Phoenix, Arizona, metropolitan area.
- 3. Northeast Region (NER).** The Northeast Region is directed by a Regional Solicitor and is responsible for legal matters for all Department bureaus except BIA in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia; legal matters for all Department bureaus except NPS in Michigan, Minnesota, and Wisconsin; legal matters for all Department bureaus except NPS and OSMRE in Illinois; legal matters for all Department bureaus except BIA, NPS, and OSMRE in Indiana; legal matters for all Department bureaus except BIA and NPS in Ohio; legal matters for all Department bureaus except BIA, BLM, and OSMRE in Virginia; legal matters for BIA in Nebraska, North Dakota, and South Dakota; legal matters for FWS in Missouri; and legal matters in Iowa for BIA, FWS, and USGS. The Office of the Regional Solicitor is located in the

Minneapolis-St. Paul, Minnesota, metropolitan area (“Twin Cities”). A subordinate field office is supervised by a Field Solicitor under the direction of the Regional Solicitor and is located in the Boston, Massachusetts, metropolitan area.

- 4. Pacific Northwest Region (PNW).** The Pacific Northwest Region is directed by a Regional Solicitor and is responsible for legal matters for all Department bureaus except OSMRE in Idaho and Washington; legal matters in Alaska for BIA involving Metlakatla Indian Community, Annette Island Reserve; legal matters in Hawaii and the Pacific Islands (Guam, Northern Mariana Islands, American Samoa) for FWS; legal matters in Montana for BIA involving the Flathead Reservation and for NPS involving Big Hole National Battlefield; and legal matters in Oregon for all Department bureaus except BOR in the Klamath Basin, FWS in the Klamath Basin, and OSMRE. The Office of the Regional Solicitor is located in the Portland, Oregon, metropolitan area. A subordinate field office is supervised by a Field Solicitor under the direction of the Regional Solicitor and is located in the Boise, Idaho, metropolitan area.
- 5. Pacific Southwest Region (PSW).** The Pacific Southwest Region is directed by a Regional Solicitor and is responsible for legal matters in California for all Department bureaus except BOR in the Lower Colorado Basin; legal matters in Nevada for all Department bureaus except BOR in the Lower Colorado Basin and BIA; legal matters in Oregon for BOR in the Klamath Basin and for FWS in the Klamath Basin; legal matters in Arizona for NPS involving Grand Canyon-Parashant National Monument; and legal matters in Hawaii and the Pacific Islands (Guam, Northern Mariana Islands, American Samoa) for NPS and USGS. The Office of the Regional Solicitor is located in the Sacramento, California, metropolitan area.
- 6. Rocky Mountain Region (RMR).** The Rocky Mountain Region is directed by a Regional Solicitor and is responsible for legal matters for NPS in Arkansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin; legal matters for OSMRE in Alaska, California, Idaho, Oregon, and Washington; legal matters in Arizona and New Mexico for NPS concessions contracts and OSMRE; legal matters in Colorado for BLM, BOR east of the Continental Divide involving the Upper Colorado Basin, FWS, NPS, OSMRE, and the Interior Business Center; legal matters in Kansas for BOR, FWS, and NPS; legal matters in Montana for BIA excluding the Flathead Reservation, BLM, BOR, FWS, NPS excluding Big Hole National Battlefield, and OSMRE; legal matters in Nebraska for BLM BOR, FWS, and NPS; legal matters in North Dakota and South Dakota for BLM, BOR, FWS, NPS, and OSMRE; legal matters in Oklahoma for NPS concessions contracts and BOR; legal matters in Texas for BOR east of the Pecos River and NPS concessions contracts; legal matters in Utah for FWS, OSMRE and NPS

concessions contracts; legal matters in Wyoming for BIA, BLM, BOR excluding Upper Colorado Basin, FWS, NPS, and OSMRE; and legal matters nationwide for the Office of Natural Resources Revenue and the Appraisal and Valuation Services Office. The Office of the Regional Solicitor is located in the Denver, Colorado, metropolitan area. A subordinate field office is supervised by a Field Solicitor under the direction of the Regional Solicitor and is located in the Billings, Montana, metropolitan area.

- 7. Southeast Region (SER).** The Southeast Region is directed by a Regional Solicitor and is responsible for legal matters for all Department bureaus in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the U.S. Virgin Islands; legal matters in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia for BIA; legal matters in Iowa, Illinois, Kansas, Oklahoma, and Texas for OSMRE; legal matters in Arkansas for BIA, FWS, OSMRE, and USGS; legal matters in Indiana for BIA and OSMRE; legal matters in Missouri for OSMRE and USGS; and legal matters in Virginia for BIA, BLM, and OSMRE. The Office of the Regional Solicitor is located in the Atlanta, Georgia, metropolitan area. A subordinate field office is supervised by a Field Solicitor under the direction of the Regional Solicitor and is located in the Knoxville, Tennessee, metropolitan area.
- 8. Southwest Region (SWR).** The Southwest Region is directed by a Regional Solicitor and is responsible for legal matters on the Navajo Reservation in Arizona for all Department bureaus except BLM and BOR and on the Navajo Reservation in Utah for all Department bureaus except BLM; legal matters in the rest of Arizona for FWS and for NPS except Glen Canyon Natural Recreation Area, Grand Canyon-Parashant National Monument, Pipe Spring National Monument, and concessions contracts; legal matters for all Department bureaus in New Mexico except NPS concessions contracts and OSMRE; legal matters for all Department bureaus in Oklahoma except NPS concessions contracts, BOR, and OSMRE; legal matters for all Department bureaus in Texas except BOR east of the Pecos Reiver, NPS concessions contracts, and OSMRE; legal matters in Colorado for BIA; and legal matters in Kansas for BIA and BLM. Responsibility for BOR matters in New Mexico and in Texas west of the Pecos River are shared with the Intermountain Regional Offices. The Office of the Regional Solicitor is located in the Albuquerque, New Mexico, metropolitan area. A subordinate field office is supervised by a Field Solicitor under the direction of the Regional Solicitor and is located in the Tulsa, Oklahoma, metropolitan area.

## **Part III Delegations of Authority and Lead Office Designations (↑)**

**Chapter 1. Delegation During the Routine Absence of the Solicitor.** The Principal Deputy Solicitor is the first assistant to the Solicitor pursuant to the Federal Vacancies Reform Act, 5 U.S.C. § 3345, et seq., and is automatically delegated the authority of the Solicitor during periods of the Solicitor’s absence.

**Chapter 2. Delegation in the Event of Incident or Emergency.** In the event both the Solicitor and the Principal Deputy Solicitor are unavailable or unable to perform their duties during any incident or emergency as defined in SOL’s Continuity of Operations Plan (COOP), the first available successor, in the order shown on the list set forth in such plan, will perform the duties of the Solicitor for purposes of the plan until any one of the following occurs: (a) the Solicitor, the Principal Deputy Solicitor, or a successor higher on the list becomes available to perform such duties; (b) the President or the Secretary delegates such duties to another person; or (c) the incident or emergency ends.

**Chapter 3. Delegation to Deputy Solicitors.** The Deputy Solicitors<sup>4</sup> are delegated authority to develop legal policy relevant to, and to review any legal work performed by, the headquarters legal divisions as assigned by the Solicitor. The Deputy Solicitors also have the authority to review any legal work performed in the regional and field offices and to reassign such matters to a headquarters division or another region as appropriate.

**Chapter 4. Delegation to Associate Solicitors.** Consistent with applicable law, regulation and the DM, and any specific instructions of the Solicitor, Associate Solicitors<sup>5</sup> are delegated the authority to manage legal matters that arise from the programs and activities of the client bureaus and offices served by their respective divisions, including authority to:

1. Provide legal services to the Department’s offices and staff located in the Washington, D.C. metropolitan area or otherwise assigned to perform Headquarters functions of the Department or its constituent bureaus and offices.
2. Institute, intervene in, prosecute, defend, dismiss, terminate, and settle administrative, civil, and criminal litigation (and in coordination with the U.S. Department of Justice, when required) filed in:
  - a. The U.S. District Court for the District of Columbia, and

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<sup>4</sup> The Principal Deputy Solicitor is delegated all authorities that are delegated to the Deputy Solicitors.

<sup>5</sup> Unless expressly prohibited and subject to appropriate conditions, Associate Solicitors may redelegate these authorities within their respective division.

- b.** Other Federal, State, and Tribal courts, and before administrative tribunals
  - i.** When the underlying issues in the case have national or multiple-office implications;
  - ii.** When the case is a broad programmatic challenge implicating an important Departmental policy;
  - iii.** When the administrative record of the decision being challenged was primarily constructed in the Washington, D.C., metropolitan area or by personnel performing Headquarters functions of the client; or
  - iv.** When the litigation involves a program managed or administered directly from the Washington, D.C., metropolitan area or by personnel performing Headquarters functions of the client.

## **Chapter 5. Delegation to Associate Solicitors, Regional Solicitors, and Directors**

- 1. Legal Matters.** Associate Solicitors, Regional Solicitors, and the Directors of the DEO, DFO, and ITLO<sup>6</sup> are delegated authority to manage legal matters arising from the programs and activities of the bureaus and offices served by their respective components in coordination with the relevant Deputy Solicitor and in a manner consistent with applicable law, regulation, the DM, and any specific instructions of the Solicitor, including the authority to:
  - a.** Provide legal services to the Secretary, the Assistant Secretaries, and the staff of the Department's bureaus and offices;
  - b.** In cooperation with the U.S. Department of Justice, as appropriate, institute, intervene in, prosecute, defend, seek to terminate, and settle administrative, civil, and criminal litigation filed in Federal, State, and Tribal courts, and before administrative boards when the litigation involves a program managed by a bureau or office represented by the division, region or office;
  - c.** Coordinate SOL legal positions on important interpretations of cases, statutes, regulations, and other legal authorities relating to the programs of the Department;

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<sup>6</sup> Unless expressly prohibited and subject to appropriate conditions, Associate Solicitors, Regional Solicitors, and Directors may redelegate these authorities within their respective divisions, regions and offices.

- d. Provide written or oral legal advice to client bureaus and offices;
- e. Review, comment on, provide written advice concerning, and surname, where appropriate, written products from client bureaus and offices;
- f. Assign legal work within their division region or office;
- g. Review and comment on legislative proposals, testimony, and related materials in coordination with the Office of Congressional and Legislative Affairs, other divisions, regions, offices and the Solicitor, Principal Deputy Solicitor, and Deputy Solicitors, as appropriate;
- h. Review and draft regulations in coordination with the Office of the Executive Secretariat and Regulatory Affairs, bureaus and offices, other divisions, regions, offices, the Solicitor, Principal Deputy Solicitor, and Deputy Solicitors, as appropriate;
- i. Review, surname, and respond to inquiries and correspondence from the public, interest groups, and state or tribal governments, as appropriate; and
- j. Respond to Freedom of Information Act (FOIA) and Privacy Act requests.

**2. Managing Administrative and Personnel Matters.** Associate Solicitors and Regional Solicitors are delegated authority of the Solicitor to manage administrative and personnel matters for staff assigned to their respective division or region in coordination with the Division of Administration. These authorities may be further delegated within their respective division or region. This delegation includes (consistent with applicable law, regulations and the DM) the authority to:

- a. Certify time and attendance records and approve or disapprove subordinate employees' leave requests, except the authority to restore forfeited annual leave, which is delegated to the Associate Solicitor for Administration;
- b. Establish employee work schedules (i.e., full and part time work and alternate work schedules);
- c. Approve or deny telework requests for situational or core telework, see Personnel Bulletin [No. 21-07](#), *Telework Program* (July 23, 2021);

- d.** Establish employee performance appraisal plans (EPAPs), conduct performance counseling and appraisals, and approve performance awards for employees within the limits established by the Department;
- e.** In consultation with the Associate Solicitor for Administration and the Director of the Employment and Labor Law Unit (ELLU), initiate a notice of opportunity to demonstrate acceptable performance (NODAP), and initiate employee discipline and adverse actions consistent with legal and regulatory requirements;
- f.** Establish, schedule, approve or disapprove employee training activities, subject to available budget;
- g.** Approve or disapprove staff attorney and paralegal requests for pro bono administrative leave and use of Government office equipment for certain pro bono legal activities, *see IV SM 8, Outside Legal Practice*;
- h.** Seek authorization to recruit for positions in the division or region;
- i.** Conduct initial screening, interview, and recommend selection of personnel to fill vacancies for approved positions in their division or region, *see V SM 6, Filling Vacant Attorney Positions*;
- j.** Designate an acting Associate or Regional Solicitor, as appropriate, during periods of absence of fifteen or fewer consecutive workdays, *see VII SM 1, Designating Acting Officials*;
- k.** Coordinate with the U.S. Department of Justice for the temporary appointment of an SOL attorney within their division or region as a Special Assistant United States Attorney or Special Attorney, as appropriate, *see IV SM 7, Special Attorney Appointments by the U.S. Department of Justice*;
- l.** In consultation of the Departmental Ethics Office, as appropriate, approve or disapprove employee requests to engage in teaching, speaking, writing, and other professional development activities as part of the performance of their official duties, *see VI SM 1, Teaching, Speaking, Writing, and Professional Development Activities*; and
- m.** In consultation with the Departmental Ethics Office, approve or disapprove employee requests for acceptance of payments of official travel and related expenses offered by a non-Federal source, *see id.*



## **Chapter 6. Delegation to Associate Solicitor for Administration**

- 1. Approval of Personnel Matters.** Approval of all career personnel actions within the Office of the Solicitor are delegated by the Solicitor to the Associate Solicitor for Administration, with the exception of the following actions:
  - a. Hiring, voluntary reassignment, promotion into, or change in duty station for, a permanent supervisory position;
  - b. Creation of a new, permanent position in the Senior Executive Service (SES) or at the Senior Level (SL) or having a full performance level (FPL) of GS-15;
  - c. Hiring, voluntary reassignment, or promotion into, a permanent position at the SES, SL, or FPL GS-15 levels; or
  - d. Involuntary reassignment or involuntary change of duty station.
  
- 2. The Associate Solicitor for Administration is delegated the authority to:**
  - a. Manage all administrative matters and functions relating to the operations of SOL, including, but not limited to, the management functions of budget and finance, procurement, travel, information technology and management, emergency management, human resources, allocation of office space and office equipment and furnishings, pro bono activities, and professional responsibility;
  - b. Direct records management services and protocols associated with the records life cycle on behalf of the SOL divisions and officials located in the Washington, D.C., metropolitan area. Individual attorneys will maintain their official records, adhering to established recordkeeping requirements (*see* 44 U.S.C. § 3101). Regional and Field Solicitors will maintain the official records of their respective offices, coordinating with the Division of Administration, as appropriate;
  - c. Direct response to FOIA and Privacy Act requests submitted to SOL;
  - d. Manage SOL contingent liability reporting in support of the Department's audit;
  - e. Approve all official international travel for SOL employees prior to Departmental authorization;
  - f. Serve as the Authorizing Official (AO) for all information technology systems;
  - g. Serve as SOL's representative to the Working Capital Fund (WCF) Consortium;

- h.** Serve as SOL's representative to the Department's Management Improvement Team (MIT); and
- i.** Serve as SOL Transition Coordinator for quadrennial transitions of presidential administrations.

## **Chapter 7. Specific Delegation**

### **1. Approval of Settlements in Employment and Labor Law Matters.**

- a.** The Principal Deputy Solicitor is delegated authority to approve settlement in employment and labor law matters above \$100,000 in coordination with the Chief Human Capital Officer and the affected bureau or office director and with the concurrence of the Director of the Employment and Labor Law Unit (ELLU).
- b.** The Director of the ELLU is delegated the authority to approve settlement in employment and labor law matters not exceeding \$100,000 in coordination with the Chief Human Capital Officer and the affected bureau or office director.
- c.** The Principal Deputy Solicitor is delegated exclusive authority to approve settlement of all employment law matters involving SOL employees, regardless of monetary amount.

### **2. Approval of Settlements in FOIA Litigation.**

- a.** When attorney's fees are requested in a Freedom of Information Act (FOIA) lawsuit, either at the conclusion of litigation or when procedurally appropriate, the attorney-advisor assigned to the litigation must undertake the following process prior to seeking approval or concurrence from a bureau or office director:
  - i.** Receive the fee request from the opposing party, including detailed itemization of attorney/staff time and fees;
  - ii.** Summarize a timeline of the case (including when the case was filed, the pre-filing state of the Department's response, number of jointly filed status reports, motions filed, final resolution, and other matters, as appropriate);
  - iii.** Review the fees to ensure all billing is appropriate and to highlight inappropriate or questionable billing, if any; and

- iv. Forward the relevant information, including a fee award proposal, to [FOIAfees@sol.doi.gov](mailto:FOIAfees@sol.doi.gov). Once received by the Division of General Law (DGL), an attorney-advisor will be assigned within DGL.
  
- b. Within three business days after receiving the documentation, the designated DGL attorney-advisor will review the information, compare the bills underlying the demand with the FOIA fee examination checklist, and contact the attorney-advisor assigned to the litigation to discuss relevant issues.
  
- c. At the conclusion of this process, the attorney-advisor assigned to the litigation must notify the client bureau, forward the fee demand documents, describe the settlement process to the client bureau, and obtain final approval from the client bureau for settlement.
  
- d. The Division of General Law’s approval authority for FOIA settlements is as follows:
  - i. **Settlements of \$5,000 or Less.** The designated DGL branch has the authority to approve any fee request under \$5,000 following a determination that such a fee award is reasonable and in the best interest of the Department. The DGL Branch (through the Line Attorney or the U.S. Department of Justice litigating attorney, as appropriate) is also authorized to engage in negotiations with the fee applicant to secure an award that does not exceed the total amount that the DGL branch determines to be reasonable.
  
  - ii. **Settlements Over \$5,000.**
    - 1. If the DGL branch determines that fees in excess of \$5,000 and reasonable and cannot settle with the plaintiff for a lesser amount, the assigned attorney will brief and request approval authority from the Associate Solicitor for General Law.
  
    - 2. If, in the view of the Associate Solicitor for General Law, the case, circumstances, or amount awarded necessitates greater scrutiny, the Associate Solicitor will confer with the Deputy Solicitor for General Law.
  
    - 3. Where appropriate, the Deputy Solicitor for General Law will authorize litigation, as necessary, in consultation with the U.S. Department of Justice.

4. Once settlement terms are agreed to by all parties and it is approved under this process, the Line Attorney must obtain final authorization from the client bureau to settle by making a referral to the appropriate level of the bureau.
3. **Natural Resource Damages Matters.** The Associate Solicitor for Parks and Wildlife is delegated the authority to dismiss, terminate, and settle natural resource damages litigation, in cooperation with the U.S. Department of Justice, as required.
4. **CERCLA Enforcement Matters.** The Associate Solicitor for Land Resources is delegated the authority to dismiss, terminate, and settle all CERCLA response cost enforcement claims and associated contribution claims, in cooperation with the U.S. Department of Justice, as required.
5. **Outer Continental Shelf Litigation.**
  - a. **Delegation.** The Associate Solicitor for Mineral Resources is delegated authority to institute, intervene in, prosecute, defend, dismiss, terminate, and compromise all Outer Continental Shelf (OCS) litigation, in consultation with the U.S. Department of Justice, when required, other than that involving the enforcement of royalty obligations.
  - b. **Coordination with Regional Solicitor – Rocky Mountain.** Where OCS litigation involves the collection or disbursement of royalties, rentals, bonuses, fines, penalties, assessments, or other revenues due to the Federal government, states, and eligible coastal political subdivisions from the leasing and production of natural resources from the OCS, the Associate Solicitor for Mineral Resources must coordinate the case with the Regional Solicitor – Rocky Mountain.
6. **Mineral Royalty Matters.** The Regional Solicitor – Rocky Mountain is delegated the authority to institute, intervene in, prosecute, defend, dismiss, terminate, and compromise:
  - a. All matters involving the collection or disbursement of royalties, rentals, bonuses, fines, penalties, assessments, or other revenues due to the Federal government, states, eligible coastal political subdivisions, and Indian Tribes and allottees from the leasing and production of natural resources from Federal and

Indian lands onshore and in the OCS, except when Indian minerals are involved, in cooperation with the U.S. Department of Justice when required.<sup>7</sup>

- b. Litigation involving the collection or disbursement of royalties, rentals, bonuses, fines, penalties, assessments, or other revenues due to the Federal government, states, eligible coastal political subdivisions, and Indian Tribes and allottees from the leasing and production of natural resources from Federal Indian lands onshore and in the OCS in consultation (when consultation is prudent to effect resolution of the matter) with the Division of Mineral Resources, in the case of Federal minerals, or the Division of Indian Affairs, in the case of Indian minerals, and in cooperation with the U.S. Department of Justice when required.

- 7. **Lapses in Appropriations.** In the event of a lapse in appropriations, the Office will follow the procedures in the SOL Contingency Plan. In keeping with that plan, the Solicitor, Associate Solicitor for General Law, Associate Solicitor for Administration, and Budget Officer are the designated personnel responsible for implementing and adjusting the plan to respond to the length of the lapse in appropriations and changes in external circumstances.

## **Chapter 8. Lead Office Designation**

- 1. **General Responsibilities of Lead Offices.** To enhance efficiency and coordination within SOL, the Solicitor may designate a certain office as Lead Office for a particular matter or subject area, where multiple offices are involved. Managers of Lead Offices will coordinate issues relevant to the subject of the Lead Office designation with SOL divisions and regions, as appropriate, including:
  - a. Notifying divisions and regions of the existence of issues and developments of concern regarding the matter or subject area relevant to the Lead Office designation;
  - b. Identifying issues and developments of concern in divisions and regions and attempting to reconcile differences in approach to the matter or subject area;
  - c. Briefing the Solicitor and appropriate Deputy Solicitors on relevant issues and conflicts; and

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<sup>7</sup> Because trespass actions seek the recovery of damages (and not royalties), all trespass actions filed on behalf of the BLM or other leasing agency will remain under the purview of the respective SOL office that represents the plaintiff bureau or office.

- d. Notifying division and regions of legal opinions prepared by the Lead Office.
2. **General Responsibilities of Divisions and Regions.** Divisions and regions will notify the Lead Office of relevant issues, new litigation, congressional inquiries, and other issues pertaining to the Lead Office designation.
3. **Natural Resources Damages Matters.** The Division of Parks and Wildlife is the Lead Office on natural resource damage claims pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Clean Water Act, and the Oil Pollution Act of 1990.
4. **CERCLA Enforcement Matters.** The Division of Land Resources is the Lead Office on response action enforcement matters pursuant to CERCLA.
5. **Outer Continental Shelf Matters.** The Division of Mineral Resources (DMR) is the Lead Office for issues involving the mineral and renewable energy resources of the Outer Continental Shelf, including international issues. DMR advises the Bureau of Ocean Energy Management (BOEM) in its management and development of offshore resources through leasing, planning, financial assurance, and resource evaluation. DMR also advises the Bureau of Safety and Environmental Enforcement (BSEE) in its enforcement of safety and environmental regulations and its administration of permitting during the exploration for, and development and production of, offshore resources.
6. **Royalty and Royalty Enforcement Matters.** The Rocky Mountain Regional Office is the Lead Office for all matters involving the collection or disbursement of royalties, rentals, bonuses, fines, penalties, assessments, or other revenues due the Federal government, states, eligible coastal political subdivisions, and Indian Tribes and allottees from the leasing and production of natural resources from Federal and Indian lands and in the OCS.
7. **General Legal Matters.** The Division of General Law (DGL) is the Lead Office for general legal matters including, but not limited to, appropriations, employment and civil rights law, Secretary's Orders, intellectual property, procurement, FOIA and Privacy Act legal matters (excluding those FOIA matters handled by the Departmental FOIA Office), and international agreements.<sup>8</sup> DGL also is responsible for all employment law and tort matters.

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<sup>8</sup> Pursuant to 1 U.S.C. § 112b(c), “[n]otwithstanding any other provision of law, an international agreement may not be signed or otherwise concluded on behalf of the United States without prior consultation with the Secretary of State.” *See also* 22 C.F.R. Part 181.

- 8. Ethics and Political Activities.** The Departmental Ethics Office (DEO) is the Lead Office for all ethics and political activity legal matters, including, but not limited to, the Ethics in Government Act of 1978, as amended; the Hatch Act of 1939, as amended; any Department bureau or office organic statute ethics restrictions; 5 C.F.R. Part 2635, *Standards of Ethical Conduct*, and other Government-wide ethics regulations promulgated by the Office of Government Ethics; the Department’s supplemental ethics regulations; applicable Executive Orders; and relevant Department policies governing employee responsibilities and conduct. Ethics and political activity advice must exclusively be issued by the DEO, as only a designated ethics official can make ethics determinations upon which Department employees may authoritatively rely.
- 9. Discipline and Adverse Actions within the Office of the Solicitor.** The Division of Administration is the Lead Office for discipline and adverse actions pertaining to SOL employees. Managers must coordinate proposed discipline and adverse actions with the Associate Solicitor for Administration, who will coordinate, as appropriate, with the Director of the Employment and Labor Law Unit, Division of General Law.

**Chapter 9. Exceptions to General and Specific Delegations.** The delegated authority of the Associate and Regional Solicitors is limited by the following requirements:

- 1. Controversial Matters.** Associate and Regional Solicitors will notify the Principal Deputy Solicitor or appropriate Deputy Solicitor and other Associate and Regional Solicitors, as appropriate, when any matter is likely to generate significant controversy or attention from the public, press, interest groups, state or tribal governments, or Congress. When possible, this notification will take place prior to any potentially controversial action.
- 2. Matters Requiring Coordination.** Associate and Regional Solicitors will coordinate with other Associate and Regional Solicitors, as appropriate, under the following circumstances and will elevate those matters to the Solicitor or Principal Deputy Solicitor, as appropriate:

  - a. When a matter has national or multiple-office implications, or when bureau or office clients of another SOL component are affected;
  - b. When a matter involves legal issues of first impression or important policy considerations;
  - c. When another SOL component is the designated Lead Office on the subject or matter; or

- d. When there is a known current or past difference of opinion within the Office regarding the subject or matter.

**3. Notification of Defensive Litigation.** When any notice of intent to sue or a complaint for a judicial action against the Department is received by a division or region, the respective Associate or Regional Solicitor will promptly notify any other Associate or Regional Solicitor with a need to know of the notice or complaint (e.g., because the notice or complaint pertains to the Associate or Regional Solicitor's area of substantive responsibility or region).

**4. Appellate Litigation.**

- a. The Solicitor retains the authority to approve the filing of recommendations to the Solicitor General, and, in coordination with the Department of Justice, approve the filing of:

- i. Amicus curiae briefs on behalf of the Department in judicial or administrative proceedings;
- ii. Judicial appeals, except for Oklahoma state court proceedings arising from Federal laws pertaining to the Five Civilized Tribes; and
- iii. Judicial petitions for rehearing en banc.

- b. The following actions do not require the approval of the Solicitor:

- i. Decisions regarding appeals and petitions for rehearing in administrative litigation; and
- ii. Decisions not to file an amicus curiae brief, a judicial appeal, or a judicial petition for rehearing.

**5. Actions by the Secretary.** Whenever the Secretary considers exercising, or is requested to exercise, jurisdiction under 43 C.F.R. § 4.5, the Solicitor may designate an attorney or office to provide legal services to the Secretary for the matter under consideration. The designation will be made to an attorney or office that can provide advice unaffected by past participation in the matter.

**6. Congressional Correspondence.** All Congressional correspondence designated for signature by the Secretary must be surnamed by the Solicitor.



7. **Actions on Behalf of Indians.** In exercising delegated litigation authority, when the case to be filed is on behalf of one or more Indian tribes or individual Indians, Associate and Regional Solicitors must first seek the concurrence of each Indian tribe or individual Indian.
8. **Written Guidance on Tribal Self-Governance/Self-Determination.** Written guidance on tribal self-governance or self-determination issues under the Indian Self-Determination and Assistance Act, 25 U.S.C. § 5301, et seq., must be circulated for review by the Associate Solicitor for Indian Affairs at least 15 days prior to being provided to the client bureau or others in final form. When final written guidance is provided to the requestor, the author must provide copies of final written guidance to all associate, regional and field solicitors.

## Part IV Practice of Law (↑)

### Chapter 1. Professional Responsibility and Conduct (Revised September 18, 2023)

1. **General Responsibilities.** Professionalism is the hallmark of good legal service, with the duties of loyalty, diligence, confidentiality, and competence forming the essential components and principles governing SOL's legal services. To that end, all SOL attorneys must know and comply with the ABA [Model Rules of Professional Conduct](#). All attorneys also are expected to understand and conform to relevant rules of the bar(s) to which they are licensed or otherwise are authorized by a court to practice law.
  - a. **Executive Managers.** The executive attorney managers must make reasonable efforts to ensure that their assigned division, region or office has in effect measures giving reasonable assurance that all lawyers understand and conform to the ABA Model Rules of Professional Conduct.
  - b. **Supervisory Attorneys.** Attorneys having direct supervisory authority over other attorneys must make reasonable efforts to ensure that subordinate attorneys understand and conform to the ABA Model Rules of Professional Conduct. Consistent with ABA Model Rule 5.3, this responsibility extends to support staff where applicable.
  - c. **Non-Supervisory Attorneys.** Attorneys must consult applicable rules of conduct as questions arise in particular matters. If necessary, to resolve questions about their professional responsibilities, attorneys should consult with supervisors and executive managers, in that order.

- d. **Non-Attorneys.** Non-attorneys have some of the same professional responsibilities as attorneys. These responsibilities include the duty of loyalty, diligence, confidentiality, and competence.

## 2. Violations of Rules of Professional Conduct.

- a. Generally, the employee's immediate supervisor will conduct a review of allegations for professional misconduct.
- b. SOL employees who violate this section are subject to penalties including the full range of sanctions prescribed by law and regulation. Violation of this section may also be cause for disciplinary action, up to and including removal from Federal service, pursuant to the procedures set forth in 370 DM 752.
- c. Nothing in this section precludes referral of violations to appropriate state or territorial licensing authorities. Indeed, there may be an affirmative duty to report violations. See [ABA Model Rules of Professional Conduct 8.3\(a\)](#).

## 3. Professional Responsibility Training.

- a. All SOL employees are required to complete a one-hour professional responsibility training course at least once every three years.
- b. New SOL employees should complete the mandatory training within the first 30 days following onboarding.
- c. The Division of Administration is responsible for developing or otherwise identifying appropriate training to meet the training requirement set forth in this chapter. The training must be designed to help ensure that all SOL personnel understand their obligation to know and comply with the ABA Model Rules of Professional Conduct and the relevant rules of the bar(s) to which they are licensed or otherwise are authorized by a court to practice law.

## 4. Advising the Client.

- a. **Zealous Representation.** An attorney's professional responsibility is to zealously represent the client's position within the bounds of the law and appropriate ethical rules. An attorney "should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience to the lawyer, and take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor." ABA Model Rules of Professional

Conduct, Rule 1.3, [Comment](#). When an attorney is unable to do so, the attorney must immediately notify the attorney's supervisor.

- b. Free Discussion Within the Office of the Solicitor.** Robust, spirited, and free discussion of legal matters at all levels within SOL is encouraged when necessary to develop legal advice, alternatives, and litigation risk assessments for the client.
- c. Advice Provided.** The individual attorney's duty of advocacy on behalf of the client within the Department is informed by the Solicitor's guidance and policies, as well as the understanding that the Secretary of the Interior performing duties in an official capacity is SOL's only client. In advising the client an attorney:
  - i.** Must professionally deliver straightforward advice expressing the lawyer's honest assessment of the state of the law, litigation risk, and other factors relevant to the subject matter of the advice;
  - ii.** Must not dictate or determine policy, regardless of whether the client's plan or action conflicts with a lawyer's sense of what appropriate policy would best serve the public interest, but should make the client aware of relevant policy considerations;
  - iii.** Must exercise diligence to determine the current and historical state of the law, and the individual to whom authority is assigned in a statute, a regulation, the DM, or from the Secretary through other delegation, to act or speak for the Department on a particular matter. If in doubt, attorneys should consult their supervisory chain for resolution of this issue; and
  - iv.** May properly refer not only to legal considerations, but also to other considerations such as economic, social, political, and moral factors that may be relevant to the client representative's situation.

## **5. Interacting with Unrepresented Parties.**

- a.** SOL attorneys should not "give legal advice to an unrepresented person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such person are or have a reasonable possibility of

being in conflict with the interests of the client [the Secretary of the Interior].”  
ABA Model Rules of Professional Conduct, Rule 4.

- b. The Commentary to Rule 4 further explains that when the unrepresented person’s interests may be averse to the Secretary’s interest, “the possibility that the lawyer will compromise the unrepresented person’s interests is so great that the Rule prohibits the giving of any advice apart from the advice to obtain counsel.”

## **Chapter 2. Bar Membership**

- 1. Requirement.** Active bar membership is required for all attorneys engaged in the practice of law in Federal government. *See* OPM General Attorney Series, GS-0905, p. 1. Attorneys are required to maintain current, active bar membership, in good standing, at all times while employed by SOL as an attorney engaged in the practice of law and may be required at any time to provide evidence of such status.
- 2. Definition.** For purposes of this chapter, the term “active bar membership” is defined as the full authorization to practice law under the relevant statutes, regulations and rules of the attorney licensing authority of one of the fifty states of the United States, the District of Columbia, or a U.S. territory.
- 3. Proof of Current, Active Bar Membership.** The Division of Administration will establish and implement a process whereby each attorney must self-certify on a periodic basis that the attorney has active bar membership.
- 4. Lapsed or Suspended Bar Membership.** An attorney whose active bar membership has lapsed, been suspended, or withdrawn for any reason must immediately notify the attorney’s supervisor and take all necessary actions to bring the attorney’s membership into active status and good standing. In addition, an attorney whose active bar membership has lapsed, been suspended, or withdrawn must promptly notify the SOL Human Resources Officer and will be prohibited from providing legal advice or representation until such time as the attorney is in good standing. Following any such lapse, suspension or withdrawal, the attorney must provide the SOL Human Resources Officer with proof of renewed good standing. Failure to maintain active bar membership in good standing may be cause for disciplinary action, including removal from Federal service.

### **Chapter 3. Coordinating Legal Work**

- 1. In General.** Coordinating legal matters with the Solicitor, Deputy Solicitor(s), Associate Solicitors, Regional Solicitors, and other Federal agencies is a continuing responsibility of all attorneys within SOL. Executive managers have a special duty to manage their component in a manner that encourages effective coordination, and are expected to exercise initiative and sound judgment to anticipate issues that cut across region and division lines and to ensure that the legal interests of the Department are protected.
  
- 2. Specific Matters Requiring Coordination with Deputy Solicitors.** Associate and Regional Solicitors will coordinate the review of the following legal matters with the relevant Deputy Solicitor:
  - a. Significant legal opinions and memoranda advising Department bureaus and offices on important program matters of national legal and policy significance;
  - b. Any document establishing or altering a policy of national significance of a bureau or office, including rulemaking documents, substantive, or controversial Federal Register notices, policy directives and manual revisions;
  - c. All documents being transmitted to the Secretary, Deputy Secretary, an Assistant Secretary, or bureau or office director for review or signature;
  - d. Any matter that generates or, in the judgment of the executive manager is likely to generate, significant controversy or attention from the public, press, interest groups, state or tribal governments, or Congress;
  - e. Any matter that raises or, in the judgment of the executive manager is likely to raise, novel or controversial legal or policy matters (e.g., national, multiple-office or multiple-agency implications, or that involve a difference of opinion within SOL);
  - f. Defensive litigation matters, including notices of intent to sue or complaints for a significant judicial action against the Department, or significant responsive pleadings as determined by the appropriate Deputy Solicitor;
  - g. Appellate litigation matters, including:
    - i. Filing of amicus curiae briefs on behalf of the Department in judicial or administrative proceedings;

- ii. Judicial appeal recommendations and important briefs involving significant policy and legal issues (except those in state court proceedings involving the Five Civilized Tribes of Oklahoma);
  - iii. Judicial petitions for rehearing en banc;
  - iv. Recommendations to the Solicitor General;
  - v. Decisions regarding appeals and petitions for rehearing in administrative litigation; and
  - vi. Decisions not to file an amicus curiae brief, a judicial appeal, or a judicial petition for rehearing.
- h. Comments on legislative referrals and requests for drafting service to be submitted to the Office of Legislative Counsel in the Office of Congressional and Legislative Affairs.

#### **Chapter 4. Surnaming Documents**

1. **Definition.** For purposes of this chapter, “surnaming” is the act of placing one’s signature or initials on a document, surname sheet, tracking sheet, or other administrative control mechanism, including electronic signatures.
2. **Purpose.** Surnaming by an attorney is an attestation that:
  - a. The attorney inquired into and analyzed the factual and legal aspects of the matter presented in the document; and
  - b. The attorney is satisfied that the matter presented is in compliance with applicable law or is legally defensible, in the best professional judgment of the attorney.
3. **Surnaming Comments.** In deciding whether to surname a document, an attorney may include comments with a surname that specify the scope of the attorney’s review (including noting that the attorney was provided a short period of time for review), or that articulate reservations to which the surname is subject, consistent with the duty of due diligence.
  - a. **Compelling a Surname.** An attorney may not be compelled to surname a document by management in SOL or by management of a client. This does not

excuse an attorney from performing a competent legal review of the matter and providing comments and analysis to the attorney's supervisor and client.

- b. Declining a Surname.** An attorney who is unable or unwilling to surname a document must inform the attorney's supervisor and explain the legal reasoning for declining to surname. The supervisor may review the document and make an independent judgment about whether to surname the matter or decline to do so.

## **Chapter 5. Resolving Conflicts Between Components of the Department**

- 1.** The Department is a large organization with many competing and sometimes conflicting institutional cultures, interests, and even legal mandates. Attorneys may find themselves working on matters that involve conflicting views between bureaus and offices regarding the proper policy course of action on a particular matter. In such situations, it is important for the attorney and the bureau or office personnel with whom they are working to remember that the Secretary is the client. Attorneys must work with bureau and office personnel to ensure that the Secretary acts to fulfill all statutory obligations and give effect to policy prerogatives.
- 2.** Generally, conflicts between bureaus and offices are resolved at the lowest possible supervisory level within SOL and those Department components. Attorneys must promptly elevate to their supervisor known conflicts between the views of bureaus and offices.

## **Chapter 6. Accepting Service of Process**

- 1. Authority to Accept Service of Process.** The Associate Solicitor for General Law, and other employees delegated in writing by the Associate Solicitor, will accept service of process on behalf of the bureaus and officials of the Department located in the Washington, D.C., metropolitan area. Regional and field Solicitors will designate attorneys who are authorized to accept service of process on behalf of officials of the Department located in those offices' respective geographic areas.
- 2. Accepting Service of Process.**
  - a.** Attorneys accepting service of process must sign their own name to the receipt form, if applicable, and add a notation that service is accepted only in the official capacity of the Department official. The attorney accepting service of process must ensure that the notice of the service is provided to the Branch

of Information Resource Management in the Division of Administration for inclusion in the Data Tracking System (DTS).

- b. The Branch of Information Resource Management in the Division of Administration must ensure that the documents are promptly transmitted to the appropriate Associate or Regional Solicitor.
- c. Consistent with 452 DM 1, the Associate or Regional Solicitor must then assign the matter to an attorney who will promptly notify the appropriate office of the U.S. Department of Justice.

### **3. Refusing Service of Process.**

- a. Acceptance of process does not constitute a certification of the adequacy or completion of service. Service of process should not be accepted if:
  - i. The underlying matter has no relationship to the programs, activities, or employees of the Department; or
  - ii. Is clearly directed at an individual in their personal capacity and concerns matters not related to the subject individual's official duties. Such matters could include personal actions such as child support, alimony, a personally directed restraining order, or purely private litigation.
- b. Doubt about the merits, jurisdiction, or validity of the underlying matter, in the absence of a determination that the matter is personal in nature, is not grounds for refusing to accept service of process.

## **Chapter 7. Special Attorney Appointments by the U.S. Department of Justice**

- 1. **Appointment as a Special Attorney.** Attorneys employed by SOL may receive a special attorney appointment (generally referred to as a Special Assistant United States Attorney or Special Attorney) by a component of the U.S. Department of Justice. 28 U.S.C. § 543. Such appointment must be without compensation other than that paid by the Department of the Interior, to assist in the trial or presentation of cases when their services and assistance are needed. Such appointments are made by the Department of Justice component requiring the services with the approval of the appropriate Associate or Regional Solicitor. Attorneys receiving such an appointment are considered "attorneys for the Government," 28 U.S.C. § 77.2, and must conform their conduct and activities to the state rules and law, and Federal court local court



rules, governing attorneys in the state where such attorney engages in that attorney's duties, as other attorneys in that state. See 28 U.S.C. § 530B; 28 C.F.R. § 77.3.

- 2. Training.** Associate and Regional Solicitors must ensure that attorneys on their staff who have been designated as a Special Assistant United States Attorney or as a Special Attorney receive adequate training to competently perform the duties required by the appointment.
- 3. Conflicts.** Executive managers must ensure that any attorney authorized to serve as a Special Assistant United States Attorney or Special Attorney is protected from conflicts that might arise between the positions of the Department of the Interior and the Department of Justice. In situations where such conflicts might arise, it is incumbent upon both the attorney and the attorney's executive manager to recognize and take steps to avoid the conflict, including informing the Department of Justice that the SOL attorney cannot participate in the case or matter.
- 4. Financial Disclosure Reporting.** An SOL attorney, who is appointed as a Special Assistant United States Attorney or a Special Attorney and who is not otherwise required to submit a financial disclosure report, may be required to submit a Confidential Financial Disclosure Report (OGE Form 450) upon appointment and annually thereafter and complete annual ethics training. See IV SM 7.

## **Chapter 8. Outside Legal Practice**

- 1. General Provisions.** Except as outlined in this chapter, SOL attorneys are prohibited from acting as an attorney (or agent) for another person before any Federal agency or official, or before any court, with or without compensation, in connection with any particular matter in which the United States is a party or has a direct and substantial interest. See 18 U.S.C. §§ 203, 205.
- 2. Outside Legal Practice With a Prohibited Source.** Notwithstanding the exceptions enumerated in this chapter, and consistent with the Department's supplemental ethics regulation, no SOL attorney may perform outside legal services, with or without compensation, for a prohibited source, as defined in 5 C.F.R. § 2635.203(d) and supplemented by 5 C.F.R. § 3501.102, unless the attorney first obtains advance approval from the DEO. DEO approval of the performance of outside legal services with a prohibited source requires the SOL attorney to submit a Form [DI-7010](#), *Request for Ethics Approval to Engage in Outside Employment and Activities*, and obtain a recommendation for approval or disapproval from the Associate or Regional Solicitor when compensated.

- 3. Pro Bono Legal Practice.** SOL attorneys, as well as paralegals, are encouraged to provide pro bono legal services in their personal capacity, to the extent not prohibited by 18 U.S.C. §§ 203 and 205 and consistent with the provisions of this chapter, under the following conditions:
- a.** Services may be rendered during off-duty hours or while on approved annual leave or leave without pay;
  - b.** Services may also be rendered during normal duty hours while on pro bono administrative leave, provided such leave is requested by the attorney or paralegal and authorized by an Associate or Regional Solicitor.
    - i.** In determining whether to grant an SOL attorney or paralegal pro bono administrative leave, a manager should consider the employee's current workload to ensure that such leave would not be detrimental to the performance of the employee's duties.
    - ii.** The total number of pro bono administrative leave hours that may be authorized for any pay year may not exceed thirty (30).
    - iii.** No pro bono administrative leave may be requested or authorized during any pay period in which credit hours or other compensatory time is sought.
    - iv.** Pro bono administrative leave may not be granted to an individual with a current performance rating of less than Fully Successful or actively under review for a disciplinary action.
    - v.** Pro bono administrative leave must be limited to work within one of the following categories: services for someone unable to afford private counsel; service for a tax-exempt entity; or service to improve the justice system.
  - c.** Employees performing pro bono services may use Government office space, equipment, and/or supplies, with the prior approval of their Deputy, Associate or Regional Solicitor. Approval will be premised upon employees using Government office equipment and supplies in moderation for pro bono purposes, as it involves only negligible expense. Such use should not interfere with official business.

- 4. Exceptions.** Nothing in this chapter prevents an SOL attorney from:
- a. Self-representation in any matter without prior authorization.
  - b. Acting, with or without compensation, as an agent or attorney for, or otherwise representing, a parent, spouse, child, or any person for whom, or for any estate for which, the attorney is serving as guardian, executor, administrator, trustee, or other personal fiduciary to the extent permitted by 18 U.S.C. §§ 203(d) and 205(e). The reliance of this exception requires consultation with the DEO and the approval of the Solicitor or Solicitor’s designee.
  - c. Acting, without compensation, as an agent or attorney for, or otherwise representing, any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings, or from providing uncompensated advice and counsel to such persons to the extent permitted by 18 U.S.C. § 205(d).
  - d. Acting, without compensation, as an agent or attorney for, or otherwise representing any cooperative, voluntary, professional, recreational, or similar organization or group not established or operated for profit, so long as a majority of the organization’s or group’s members are current officers or employees of the United States or of the District of Columbia, or their spouses or dependent children and to the extent permitted by 18 U.S.C. § 205(d). As limited by 18 U.S.C. § 205(d)(2), this exception is not permitted for any representation with respect to a matter which involves prosecuting a claim against the United States under 18 U.S.C. §§ 205(a)(1) or 205(b)(2); or involves a judicial or administrative proceeding where the organization or group is a party; or involves a grant, contract, or other agreement providing for the disbursement of Federal funds to the organization or group.
  - e. Giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.
- 5. Professional Responsibility for Outside Legal Practice.** In situations where an SOL attorney’s representation creates a concern about possible violation of the Rules of Professional Conduct or state bar rules, the SOL attorney must notify the attorney’s first and second level supervisors as soon as the possible violation is discovered. The attorney will take necessary steps to resolve the actual or appearance of a violation and is responsible for notifying the supervisor of the steps taken by them to achieve resolution.

6. **Ethics Consultation.** Before performing any outside legal work, including prior to accepting any new client and throughout any engagement in the outside practice of law, an SOL attorney is encouraged to consult with the DEO to safeguard against potential ethics violations, particularly in instances where it is unclear whether a prohibited source is involved or whether the United States is party or has a direct and substantial interest.

## Part V Personnel Policies and Procedures (↑)

**Chapter 1. Telework and Remote Work (Revised September 18, 2023).** Telework and remote work are two workplace flexibilities that enable eligible employees in suitable positions to perform their duties from an approved alternate worksite.

1. **Telework.** Personnel Bulletin (PB) 21-07, [Telework Program](#) (July 23, 2021), “establishes the policy, assigns responsibilities, and prescribes procedural requirements” for the Department’s Telework Program. PB 21-07 § 1. The policy establishes that “eligible employees may be authorized to telework to the extent that the arrangement does not diminish employee or organizational performance.” *Id.* See also *id.* at § 7 (stating that approved telework must not “adversely affect the ability of the Department to achieve its mission,” and that “[e]mployees do not have a presumptive right to telework”). SOL supports telework by its employees when these objectives can be accomplished successfully. For additional information on telework, see the Department’s [Telework Program website](#).
  - a. **Supplemental Implementing Procedures.** To implement PB 21-07, SOL is authorized to issue supplemental implementing procedures at its discretion. See PB 21-07 § 4. This chapter of the SM provides the Office’s supplemental implementing procedures for PB 21-07, as approved by the Solicitor and with the concurrence of the Director of the Department’s Office of Human Capital.
  - b. **Definitions.** The definitions provided in Section 5 of PB 21-07 are supplemented as follows:
    - i. **Secondary Alternative Worksite.** In addition to the location designated on the telework agreement as the alternative worksite, an employee may request authorization to work from a “secondary alternative worksite.” A secondary alternative worksite is a designated location conducive to performing official duties, such as an employee’s second home, the home of a family member, or a vacation site.

- ii. **Hoteling.** While section 5(D) of PB 21-07 notes that hoteling is “[a]lso referred to as ‘shared workstations’,” for purposes of this guidance, SOL distinguishes between hoteling, which assigns a workstation on a daily basis “by reservation,” and shared workstations, which permanently assigns two employees who are on contrasting telework schedules to the same workstation.
      - iii. **Workstation.** Within an official duty station, an employee’s workstation is defined as the desk to which the employee is assigned when not teleworking. More than one workstation may be located within one dedicated office (commonly known as a double office). A workstation also may be placed within a cubicle or other location with temporary partitions, when necessary for office operations.
- c. **Responsibilities.** The following roles and responsibilities are in addition to those stated in PB 21-07.
  - i. **Associate Solicitor for Administration.** The Associate Solicitor for Administration assists the Solicitor in directing the implementation of the Telework Program within SOL. In addition to other duties stated in this chapter, the Associate Solicitor for Administration is responsible for:
    - 1. Advising the Solicitor on matters assigned to the Solicitor by PB 21-07 §6(D); and
    - 2. Monitoring use of telework throughout SOL to ensure consistent application of PB 21-07 and this chapter.
  - ii. **Deputy Director, Administrative Operations and Planning.** The Deputy Director, Administrative Operations and Planning, Division of Administration, is responsible for:
    - 1. Appointing the Workplace Flexibility Coordinator from within the Division of Administration, Branch of Administrative Operations and Planning, to coordinate administrative requirements for the telework program;
    - 2. Consistent with III SM 6(2)(a) and VII SM 10, developing and proposing to the Associate Solicitor for Administration policies

regarding issuance of Government furnished equipment (GFE) authorized for use by teleworkers at their alternative worksite; and

3. Implementing procedures for determining and evaluating the suitability of employee telework space at alternative worksites.

**iii. Human Resources Officer.** In addition to other responsibilities stated in this chapter, the SOL Human Resources Officer is responsible for:

1. Providing direct supervision of the Workplace Flexibility Coordinator;
2. Providing guidance to SOL supervisors on matters of employee accountability, performance appraisal and recognition, training, developmental opportunities, recruitment, promotion, conduct and discipline, and retention in order to promote consistent treatment of teleworkers and non-teleworkers; and
3. Providing guidance to SOL supervisors to assist in making the determination of an employee's eligibility for telework.

**iv. Finance Officer.** The SOL Finance Officer is responsible for:

1. In consultation with SOL executive managers, determining which offices and cubicles at SOL worksites are designated for shared workstations and for hoteling; and
2. Providing direction on modification of SOL worksites and assignment of furnishings and equipment for shared workstations and for hoteling.

**v. Workplace Flexibility Coordinator.** Responsibilities assigned in PB 21-07 § 6(E) to the "Bureau/Office Telework Coordinators" are assigned within SOL to the Workplace Flexibility Coordinator. SOL's Workplace Flexibility Coordinator is identified on the Department's [Telework Coordinators](#) webpage.

**vi. Supervisors.** In addition to the responsibilities set forth in PB 21-07 § 6(G) and elsewhere in this chapter, SOL supervisors are responsible for:

1. Promoting telework by eligible employees in suitable positions, and working cooperatively with employees to resolve any minor impediments to telework;
2. Designating and implementing “onsite core days” for subordinate employees to the extent required by Department policy and this chapter;
3. Conferring with the Associate Solicitor for Administration and the Human Resources Officer, as appropriate, prior to determining that a position is not suitable for telework or that an employee is not eligible for telework, and stating in writing the reason for such a determination;
4. Assigning offices and workstations at the official worksite in a manner consistent with PB 21-07 and this chapter and, upon request, providing to the Finance Officer information regarding workstation assignments; and
5. Providing to the Workplace Flexibility Coordinator, upon request, data regarding the use of telework, including the number of days per pay period each employee within the division or region is authorized to telework or participate in alternative work schedules, and any other data requested by the Department’s Office of Human Capital, the Solicitor, the Associate Solicitor for Administration, or the Human Resources Officer.

**vii. Teleworkers.** In addition to the responsibilities set forth in PB 21-07 § 6(H) and elsewhere in this chapter, SOL Teleworkers are responsible for:

1. Obtaining approval from their immediate supervisor prior to temporarily teleworking from an alternate location, temporarily changing a core telework day, or situationally teleworking on a particular day when unscheduled telework has not been authorized due to inclement weather or any other exigency;
2. When in telework status and consistent with VII SM 10, securing and protecting assigned Government furnished equipment (GFE) and maintaining GFE as directed; and

3. When working at their official worksite, if assigned to a shared workstation or hoteling location, ensuring that the workstation used by the employee is safe, secure, and clean, including at the end of the workday:
  - A. Clearing documents off all work surfaces and securing sensitive or confidential documents within a locked file cabinet;
  - B. Ensuring that any food in the workspace is properly removed or disposed and all food residue cleaned;
  - C. Wiping the surface of the keyboard, mouse, and desktop telephone with an office-provided cleaning product; and
  - D. Removing or securing personal belongings that could pose a safety or sanitary concern.

**d. Position Suitability and Telework Frequency.** Consistent with section 7(A)(1) of PB 21-07, this guidance sets forth the expectation that a position’s suitability for telework should consider the “duties and functions an employee performs.” This guidance further allows for consideration of “the occupation, pay plan, series [and] grade level of the position,” *id.*, among other factors. To guide those considerations, the Solicitor has determined that certain duties and functions common among employees in the following SOL positions should be factored into a supervisor’s determination regarding the number of days per pay period that an employee will be permitted to telework. In determining the appropriate number teleworking days per pay period, a supervisor also may consider whether the employee has an approved alternative work schedule.

- i. Supervisors.** SOL supervisors are responsible for facilitating mentorship of staff, enhancing coordination with senior leadership and other supervisors, and fostering collaboration and collegiality throughout the Office. To facilitate successful performance of those duties and functions, the Solicitor has determined that core telework by SOL supervisors exceeding two days per week should be carefully evaluated by their executive manager in consultation with the Associate Solicitor for Administration. Effective September 10, 2023, supervisors assigned to a duty station within the National Capital Region (NCR) may not telework in excess of 50 percent of their duty time per pay period,



except when a different schedule is authorized for an individual pay period (e.g., approved leave, approved situational telework) or pursuant to a reasonable accommodation.

- ii. **Non-Supervisory Mentors.** SOL relies on certain non-supervisory GS-15 employees, including, but not limited to, Team Leads and Senior Attorneys, to provide mentorship to less experienced employees, facilitate training, and improve collaboration. To facilitate successful performance of those duties and functions, the Solicitor has determined that core telework by non-supervisory GS-15 mentors exceeding two days per week should be carefully evaluated in consultation with the Associate Solicitor for Administration.
- iii. **Recently Onboarded Employees.** SOL strives to foster an environment in which recently onboarded employees receive mentorship and opportunities for collaboration. Further, supervisors and non-supervisory mentors should work closely with recently onboarded employees to establish expectations regarding the employee's dependability, responsibility and conscientiousness, the ability to work independently and without close supervision, determine employee self-motivation and discipline, and the ability to prioritize work and manage time wisely. For the purpose of this paragraph, an employee is considered "recently onboarded" if the employee (1) has been employed by SOL for less than six months, or (2) has not received a performance rating of record by their SOL supervisor. During this period, supervisors should carefully evaluate, in consultation with the Associate Solicitor for Administration, core telework requests by recently onboarded employees exceeding two days per week.
- iv. **Administrative Support Personnel.** SOL administrative support personnel, including, but not limited to, Staff Assistants and Administrative Assistants, provide on-site services that cannot be performed at an alternative worksite (e.g., receive and distribute incoming mail and packages, prepare outgoing mail and packages, assist with photocopying and scanning, facilitate building maintenance and maintenance of office equipment, receive official visitors, facilitate on-site meetings, conduct custodial property officer functions). Supervisors should carefully evaluate, in consultation with the SOL Human Resources

Officer, core telework by administrative support personnel exceeding one day per week.

1. In evaluating telework for administrative support personnel, supervisors should consider whether suitable alternative arrangements can be made to ensure that on-site administrative services will be available on the day that the employee teleworks. Alternative arrangements for administrative services must be approved by the employee's supervisor and may include performance of the on-site services by other on-site administrative support personnel or other appropriate personnel located at the official worksite.
2. At official worksites where more than one administrative support personnel are assigned to perform the on-site services identified in this chapter, core telework exceeding one day per week may be appropriate, especially when the administrative support personnel are also assigned significant duties that may be performed at a telework site.
3. Administrative support personnel and supervisors should closely coordinate the specific tasks that will be accomplished by the support personnel during telework.

**e. Telework Designated Workspace.**

- i. Teleworking employees must agree to fully cooperate with an inquiry or request for information by the Deputy Director, Administrative Operations and Planning, Division of Administration, regarding the suitability of the employee's telework site, including a home office. An inquiry or request for information under this paragraph may include a request to inspect the telework site, either in person or virtually, during core office hours and with at least 24 hours' notice. See PB 21-07 § 7(D)(1); see also V SM 10(2) (defining core office hours).
- ii. The designated workspace for a telework site may not be considered suitable if:

1. Due to distance from the employee's official worksite, the employee is unable to report in a timely manner to the official worksite upon reasonable request by the employee's supervisor;
2. The presence of other individuals or other circumstances precludes the employee from performing work during core work hours or interacting with other employees in a professional and confidential manner. *See also* PB 21-07 § 7(D)(2) (“[e]mployees cannot personally care for a dependent while teleworking”);
3. The site does not routinely maintain adequate internet service to facilitate participation in video conferencing; or
4. The site does not allow the employee to safeguard confidential or private information.

iii. **Worksite Compliance and Safety Checklist.** Upon request by the Finance and Administrative Services (FAS) Team, Division of Administration, teleworking employees are required to complete a worksite checklist to confirm that their teleworking site complies with all applicable safety and security requirements. To facilitate completion of the checklist, the FAS Team may request that a virtual view of the teleworking employee's work area be conducted with at least 24 hours' notice.

**f. Travel from an Approved Telework Site.**

- i. Temporary Duty (TDY) travel from a telework site outside the commuting area for the employee's official worksite, as defined in 5 C.F.R. § 550.703, will be reimbursed up to the amount required to travel from either the official worksite or the employee's residence within the commuting area to the TDY destination, as appropriate. A cost comparison between travel from the employee's residence, the telework site (if different than the employee's residence), and the official worksite is required before a travel authorization may be approved.
- ii. Local travel for official purposes from the employee's telework site may be reimbursed, provided that the commuting cost to the official worksite is deducted from any reimbursement request. For additional information on reimbursement for local travel, see the DOI FTR Implementing Instructions, [347 DM 1](#).

- g. Completion of Telework Agreement.** PB 21-07 § 7(B)(2)(b) states that “[a] new telework agreement form must be initiated when the employee is assigned a new supervisor or new position.” For the purpose of this requirement, “new supervisor” is defined within SOL as the permanent appointment of an individual to a supervisory position over the teleworking employee, and “new position” is defined as the appointment or the promotion of the teleworking employee to a position for a period of one year or longer.
- h. Telework Denial and Termination.** Following any denial of a telework request or termination of a telework agreement, an SOL employee may submit a grievance in writing to the Human Resources Officer in accordance with the Department’s [Administrative Grievance Procedures](#), 370 DM 771 (Apr. 6, 2015). See 370 DM 771 § 1.7 (defining the permissible scope of grievances). The Human Resources Officer will issue a written decision on the grievance generally within 21 days following administrative completeness of the written request.
- i. Onsite Core Days.**

  - i.** For the purpose of leadership engagement among NCR-based supervisors, all associate solicitors and office directors within the NCR must establish one onsite core day per pay period common to all of their telework-ready, NCR-based, subordinate supervisory employees.
  - ii.** To facilitate project collaboration on a more granular level among NCR-based employees within a branch or team, NCR-based first-level supervisors must establish, in coordination with their associate solicitor or office director, one onsite core day per pay period common to all telework-ready, NCR-based, employees under their supervision.
  - iii.** In addition to the requirements set forth in Department policy and this chapter, SOL supervisors may, at their discretion, designate one additional workday per pay period as an onsite core day to encourage collaboration and collegiality among staff and facilitate training and mentorship, during which all approved teleworkers under their supervision will be expected to report to their official worksite.
  - iv.** To facilitate workspace sharing, the day selected for a designated onsite core day for non-supervisory employees should be limited to an individual branch or team within the division, region or office (*e.g.*, one branch within the division reports to the office on the first Tuesday of

the pay period and another branch reports to the office on the first Wednesday of the pay period).

- j. Request to Telework at Secondary Alternative Worksite.** Requests for approval to telework at a secondary alternative worksite do not require a change to the employee’s telework agreement but, except in unanticipated circumstances, must be submitted in writing to the employee’s supervisor at least three workdays prior to the start of any telework at the secondary alternative worksite. The request must specify the dates of the proposed telework and confirm that the secondary alternative worksite is suitable for telework. An approval or denial by the employee’s supervisor of a request to telework at a secondary alternative worksite must be in writing and provided to the employee prior to the start of the telework.
- k. Hoteling Within SOL Workspace.** The Solicitor has determined that the provision of office space by reservation, on an as-needed basis (*i.e.*, hoteling), generally is not suitable for attorney-advisors, ethics specialists, or other SOL professionals who conduct work that must remain confidential and secure. Hoteling by reservation may be appropriate for an SOL employee on an occasional, *ad hoc* basis when the employee’s shared workstation is occupied by another employee.
- l. Shared Workstations.** As stated in PB 21-07 §§ 5(D) and 7(I), shared workstations “may be expected” for employees who are authorized to telework above a certain minimum threshold.

  - i.** An SOL employee who has an approved telework schedule (including an alternate work schedule) that allows the employee to work at the employee’s official worksite four days or fewer per two-week pay period may be assigned to a shared workstation, as needed to address office space and budgetary limitations. All employees will be directed as part of their telework request to acknowledge that they may be assigned to a shared workstation if they request authorization to work at their official worksite four days or fewer per two-week pay period, including all alternate work schedules.
  - ii.** Due to the need for supervisors to meet confidentially with their employees, as well as to conduct other sensitive matters, the Solicitor has determined that shared offices and shared workstations are not appropriate for supervisors.

- iii. To facilitate use of shared workstations, supervisors should work cooperatively with their employees to set telework schedules and should make reasonable efforts to pair employees whose telework schedules do not overlap.
  - iv. Executive managers are encouraged to establish and publish objective criteria for allocating workstations to non-supervisory employees in a transparent and equitable manner. Managers may elect to locate employees of the same branch or team proximate to each other or proximate to their supervisor. Other factors that may be considered in allocating workstations include, but are not limited to:
    - 1. The employee’s current grade level;
    - 2. The number of years that the employee has been at the current grade level;
    - 3. The number of years that the employee has been employed by SOL;
    - 4. The number of years that the employee has been employed by the Federal government;
    - 5. For attorneys, the number of years that the employee has been an active member of the bar;
    - 6. Whether the employee is on full-time or reduced schedule status; and
    - 7. The number of days per pay period the employee is required to report to the office under the employee’s telework agreement.
2. **Remote Work.** PB 20-06, [Departmental Remote Work Policy](#) (July 23, 2021), “establishes the policy guidance and requirements for implementing employee-initiated requests for remote work arrangements within the Department.” PB 20-06 § 1. SOL supports remote work by its employees when it is in the best interest of the Office and is cost-effective for SOL. PB 20-06 § 7. *See also id.* (further stating that “a remote arrangement is not an employee entitlement.”) For additional information on remote work, see the Department’s [Remote Work website](#).
- a. **Written Procedures.** PB 20-06 requires SOL to “establish written procedures prior to approving employee-initiated remote work requests and

implementing remote work arrangements consistent with the guidelines and requirements established in this PB.” PB 20-06 § 4. This chapter provides the Office’s procedures for approving employee-initiated remote work requests and implementing remote work arrangements, as approved by the Solicitor with the concurrence of the Director of the Office of Human Capital.

**b. Definition of Remote Worker.**

- i. Consistent with Department policy, remote work is conducted by an “[e]mployee who has been approved to regularly work from a location other than a ‘brick and mortar’ worksite provided by the agency and who is not required to report to a DOI worksite on a regular basis.” PB 20-06, § 5(E). Most commonly, remote work is conducted from an employee’s home office, but may also be conducted from another agency’s office location (e.g., an SOL attorney-advisor designated as a Special Assistant U.S. Attorney may be assigned to a Department of Justice worksite) or other worksite approved by the SOL Finance Officer.
- ii. Also consistent with Department policy, an SOL employee assigned to a Department of the Interior brick and mortar worksite other than the worksite where their assigned division or region is based (e.g., an employee assigned to a Headquarters division and approved to work from an SOL regional office or from a client bureau’s office) is not considered a remote worker.
- iii. While not considered to be remote work, a request by an employee to work on a regular schedule at a Department of the Interior brick and mortar worksite other than the worksite where their assigned division or region is based must be submitted by the employee’s supervisor in a memorandum to the Associate Solicitor for Administration. Such request should include assessments of position suitability (including a cost effectiveness analysis) and employee eligibility. In addition, prior to submission of the request, the employee’s supervisor must confer with the executive manager for the proposed location and with the SOL Finance Officer to determine whether suitable office space is available for the employee at the proposed location.

- c. Office-Initiated Remote Work Requests.** PB 20-06 defines remote work as deriving from an “employee-initiated” request. *See, e.g.,* PB 20-06 §§ 4, 7. While most remote work requests are employee-initiated, an SOL division,

region or office may request that an unencumbered position be designated for remote work. Office-initiated remote arrangements may be based on the need to locate an employee proximate to assigned work responsibilities; to facilitate a larger applicant pool to fill a position that requires specialized competencies; or for other reasons that benefit SOL.

- i. A request by an SOL supervisor to designate an unencumbered position as suitable for remote work must be submitted in writing to the Associate Solicitor for Administration, and should include:
  1. An evaluation of position suitability for remote work, *see* PB 20-06 § 7(A)(1);
  2. A cost assessment, *see* PB 20-06 § 7(A)(3)(a);
  3. An evaluation of the factors stated in PB 20-06 § 7(A)(3)(e);
  4. If applicable, the expected difficulty in finding qualified applicants for the position;
  5. If applicable, whether the position has responsibilities that must be performed in a specific location; and
  6. Any other factors that support the request.
- ii. Once an employee has onboarded, an office-initiated remote work arrangement will not be terminated or modified unless:
  1. The employee has requested a termination or modification of the remote working arrangement, and the employee's supervisor concurs with that request;
  2. The employee's remote work location is no longer suitable or available for use by the employee and no suitable alternative location is available;
  3. The employee has retired or separated from employment; or
  4. The employee fails to perform at a satisfactory level as demonstrated by a performance rating of record by the employee's supervisor with a summary rating of Unacceptable.



- iii. An employee in an office-initiated remote work arrangement who does not demonstrate continued satisfactory performance may be reassigned to an official SOL office location.
  - iv. An office-initiated remote work arrangement concludes upon the separation or retirement of the employee who encumbers the position. Continuation of an unencumbered office-initiated remote work arrangement requires submission of a new remote work request.
- d. Request to Remote Work at Secondary Alternative Worksite.** Requests for approval to work remotely at a secondary alternative worksite do not require a change to the employee’s remote work agreement unless the arrangement will exceed 15 business days. Except in unanticipated circumstances, the employee must submit their request in writing to their immediate supervisor at least three workdays prior to the start of any remote work at the secondary alternative worksite. The request must specify the dates of the proposed remote work and confirm that the secondary alternative worksite is suitable for remote work. An approval or denial by the employee’s supervisor of a request to remote work at a secondary alternative worksite must be in writing and provided to the employee prior to the start of the remote work.
- e. Responsibilities.** The following roles and responsibilities supplement those stated in PB 20-06.
- i. **Solicitor.** The Solicitor is responsible for:
    - 1. Approving, denying, or renewing in writing employee-initiated remote work requests, within 30 days when possible; and
    - 2. Determining whether remote work should be approved when beneficial for the recruitment for positions that are difficult to fill, require specialized or unique competencies, or for other reasons in the interest of the Office of the Solicitor.
  - ii. **Associate Solicitor for Administration.** The Associate Solicitor for Administration assists the Solicitor in directing the implementation of remote work procedures within SOL. In addition to other duties stated in this chapter, the Associate Solicitor for Administration is responsible for:

1. Advising the Solicitor on matters assigned to the Solicitor in PB 20-06 § 6(C);
  2. In consultation with the Solicitor or Principal Deputy Solicitor, as appropriate, approving, denying, or renewing in writing Office-initiated remote work requests, within 30 days when possible;
  3. Terminating or modifying remote work agreements for reasons stated in PB 20-06 or in this guidance; and
  4. Monitoring use of remote work throughout SOL to ensure proper application of PB 20-06 and this chapter.
- iii. Deputy Director, Administrative Operations and Planning.** The Deputy Director, Administrative Operations and Planning, Division of Administration, is responsible for:
1. Appointing the Workplace Flexibility Coordinator from within the Division of Administration, Branch of Administrative Operations and Planning, to coordinate administrative requirements for the remote work program;
  2. Consistent with III SM 6(2)(a) and VII SM 10, developing and proposing to the Associate Solicitor for Administration policies regarding issuance of GFE authorized for use by remote workers; and
  3. Implementing procedures for determining and evaluating the suitability of employee remote workspace.
- iv. Human Resources Officer.** In addition to other responsibilities stated in this chapter, the Human Resources Officer is responsible for:
1. Providing guidance to SOL supervisors on matters of employee accountability, performance appraisal and recognition, training, developmental opportunities, recruitment, promotion, conduct and discipline, and retention in order to promote consistent treatment of teleworkers and non-teleworkers;
  2. Providing guidance to SOL supervisors on determinations of an employee's eligibility for remote work; and

3. In consultation with the requesting office, determining whether a position is difficult to fill or requires specialized or unique competencies.

**v. Workplace Flexibility Coordinator.** Under the supervision of the Human Resources Officer, the Workplace Flexibility Coordinator, in addition to other responsibilities stated in this chapter:

1. Serves as the primary contact for remote work policy and program questions;
2. Compiles data on remote work in the Office of the Solicitor; and
3. Prepares and submits reports requested by the Department's Office of Human Capital.

**vi. Supervisors.** In addition to the responsibilities set forth in PB 20-06 § 6(D) and elsewhere in this chapter, SOL supervisors are responsible for:

1. Working cooperatively with employees to resolve any minor impediments to remote work; and
2. Conferring with the Human Resources Officer prior to a determination that a position is not suitable for remote work or that an employee is not eligible for remote work.

**f. Employee-Initiated Remote Work Request.**

- i. An employee-initiated remote work request must be submitted in writing to the employee's immediate supervisor and must contain:
  1. A statement by the employee generally addressing the following factors identified in PB 20-06 § 7(A)(3)(e):
    - A. How the remote work arrangement is in the best interest of SOL;
    - B. Potential impact to SOL and the employee's work unit should the arrangement be approved or denied;
    - C. Whether the position requires special or unique competencies;

- D.** Whether efforts to use other pay and human resources flexibilities have been considered and why they would not be effective;
  - E.** What characteristics/competencies make the employee an ideal remote worker;
  - F.** Whether the duties of the position are suitable for a remote work arrangement; and
  - G.** Whether the remote work arrangement is cost neutral.
- 2.** A statement providing an evaluation of the cost effectiveness of the remote work proposal;
- 3.** An acknowledgement by the employee that, if the remote work request is approved, the employee's pay will be determined by the locality of the employee's proposed remote worksite, which may result in a reduction from the employee's current pay level;
- 4.** An acknowledgement by the employee that, if the remote work request is approved, SOL will not reimburse the employee for the cost of relocation or provide any other monetary incentive to the employee, *see* PB 26-01 § 7(C)(2), but may grant up to 24 hours of administrative leave incident to the relocation;
- 5.** An acknowledgement by the employee that if an approved work arrangement is subsequently terminated based on a decline in performance to below the "fully successful" level or for misconduct, SOL will not reimburse the employee for the cost of the employee's return to the employee's prior official SOL worksite, nor will SOL provide any other monetary incentive to the employee, *see* PB 26-01 § 7(C)(2), but SOL may grant up to 24 hours of administrative leave incident to the relocation; and
- 6.** An acknowledgement by the employee that, if the remote work request is approved, the employee will promptly notify the employee's immediate supervisor and the SOL Workplace Flexibility Coordinator of any subsequent plans to relocate to another location

or if the approved remote worksite is no longer available or suitable for remote work.

- ii. Upon receipt of the employee's remote work request, the employee's immediate supervisor and second-level supervisor will evaluate the request, indicate in writing whether each concurs with the request, and submit the written materials to the Workplace Flexibility Coordinator. The Workplace Flexibility Coordinator will determine whether all information required by PB 20-06 and this guidance has been submitted and is complete. Once determined to be complete, the remote work request will be provided to the Associate Solicitor for Administration.
- iii. The Associate Solicitor for Administration will review the request and submit a recommendation to the Solicitor.
- iv. The Solicitor will determine whether to approve or deny the remote work request.

**g. Position Suitability.** As stated in section 7(A)(1) of PB 20-06, "[t]he first consideration in determining the appropriateness of a remote work arrangement is whether the duties of the position can be performed effectively from a remote worksite." In addition, "[p]ositions that are more oriented toward research, writing, and analysis, and that produce tangible work products are generally a good fit for remote work arrangements." *Id.* To guide those considerations, the Solicitor has determined that certain duties and functions common among employees in the following SOL positions should be factored into evaluating the suitability of remote work.

- i. **SES and SL Employees.** The Department's Remote Work Policy does not apply to Senior Executive Service (SES) or Senior Level (SL) employees. See PB 20-06 § 4.
- ii. **General Schedule Supervisory Employees.** A request to remote work by a General Schedule (GS) supervisory employee should include an explanation of how the supervisory employee will facilitate mentorship of staff, ensure coordination with senior leadership and other supervisors, and foster collaboration and collegiality while in a remote work arrangement.

- iii. **Non-Supervisory Mentors.** SOL relies on non-supervisory GS-15 employees, including, but not limited to, Team Leads and Senior Attorneys, to provide mentorship to less experienced employees, facilitate training, and improve collaboration. A request to remote work by a GS-15 employee with non-supervisory mentorship responsibilities should include an explanation of how the employee will facilitate mentorship with staff, facilitate training, and foster collaboration.
  - iv. **Recently Onboarded Employees.** SOL strives to foster an environment in which recently onboarded employees receive mentorship and opportunities for collaboration. Further, supervisors and non-supervisory mentors should work closely with recently onboarded employees to establish expectations regarding the employee's dependability, responsibility and conscientiousness, the ability to work independently and without close supervision, determine employee self-motivation and discipline, and the ability to prioritize work and manage time wisely. The Solicitor has determined that employee initiated remote work requests by recently onboarded employees generally are not advisable, absent other considerations. For the purpose of this paragraph, an employee is considered "recently onboarded" if the employee (1) has been employed by SOL for less than one year, or (2) has not received a performance rating of record by the employee's SOL supervisor.
  - v. **Administrative Support Personnel.** Administrative support personnel are expected to provide on-site services that cannot be conducted at a remote worksite (*e.g.*, receive and distribute incoming mail and packages, prepare outgoing mail and packages, assist with photocopying and scanning, facilitate building maintenance and maintenance of office equipment, receive official visitors, facilitate on-site meetings, conduct custodial property officer functions). For this reason, remote work by administrative support personnel, including, but not limited to, Staff Assistants and Administrative Assistants, generally is not advisable, absent other considerations.
- h. Remote Work Suitability.**
- i. Remote working employees must agree to fully cooperate with any inquiry or request for information by the Deputy Director,

Administrative Operations and Planning, Division of Administration, regarding the suitability of the employee's remote worksite, including a home office. An inquiry or request for information under this paragraph includes a request to inspect the remote worksite, either in person or virtually, during core office hours and with at least 24 hours' notice. *See* PB 20-06 § 7(C)(6); *see also id.* § 5(E) (stating that remote workers must "ensur[e] the remote worksite is safe, free from hazards, and provides an adequate work environment with regard to connectivity, technology, and privacy (as appropriate)").

- ii. A remote worksite may not be considered suitable if:
  - 1. The presence of other individuals or other circumstances precludes the employee from performing work during core work hours or interacting with other employees in a professional and confidential manner (*see also* PB 21-07 § 7(D)(2));
  - 2. The site requires the employee to conduct temporary duty (TDY) travel at greater cost than if the employee conducted travel from the employee's current official worksite, if applicable;
  - 3. The site does not routinely maintain adequate internet service to facilitate participation in video conferencing; or
  - 4. The site does not allow the employee to safeguard confidential or private information.
- iii. **Worksite Compliance and Safety Checklist.** Upon request by the Finance and Administrative Services (FAS) Team, Division of Administration, remote working employees are required to complete a worksite checklist to confirm that their remote work site complies with all applicable safety and security requirements. To facilitate completion of the checklist, the FAS Team may request that a virtual view of the remote employee's work area be conducted.
- i. **Cost Effectiveness.** An employee-initiated request for a remote work arrangement "will be considered when it is in the best interest of the agency and is cost-effective for the Bureau/Office." PB 20-06 § 7; *see id.* § 7(A)(3)(a) ("Remote work arrangements should generally be cost neutral or result in

lower cost.”) Any request for a remote work arrangement must include a statement regarding the cost effectiveness of the proposal, including:

- i. The proximity of the remote location to the closest SOL worksite and, if applicable, the proximity of the remote location to the employee’s currently assigned SOL worksite;
- ii. Whether the position requires frequent in-person contacts with assigned clients (*e.g.*, in-person meetings, site inspections) or others (*e.g.*, in-person court hearings, in-person public meetings) and, if so, the proximity of the remote location to client locations or other relevant venues; and
- iii. Whether the position requires occasional or frequent air travel and, if so, the proximity to the closest major commercial airport.

**j. Termination of Remote Work Agreement.**

- i. An employee may notify the employee’s supervisor at any time that the employee wishes to voluntarily terminate the approved remote work agreement and return to the employee’s previously assigned official worksite. Upon receipt of the notification, the supervisor will notify the SOL Workplace Flexibility Coordinator who, in turn, will notify the Human Resources Officer. Implementation of an approved termination should take effect no less than 90 days after the request is received to allow sufficient time for the Division of Administration to implement any necessary worksite and equipment changes.
- ii. An approved employee-requested remote work arrangement may be terminated by the employee or the employee’s supervisor “at any time if it no longer meets the needs of the office, for a decline in performance or productivity, for misconduct, for non-compliance with the terms of the remote work agreement, or for other reasons.” PB 20-06 § 7(B)(2). Other reasons may include a determination that an employee is no longer eligible for remote work or encumbers a position that is no longer suitable for remote work. If any such circumstances exist, the employee’s supervisor may submit a written request to the SOL Human Resources Officer to terminate the remote work agreement.
  - 1. Prior to submitting the request, the employee’s supervisor must confer with the SOL Finance Officer to determine the cost, if any,



that SOL will incur due to the termination of the remote work agreement. The cost to SOL must be considered as a factor in determining whether to terminate the remote work agreement.

2. The written request must identify the basis for the termination, including any determination by the supervisor that the employee is no longer eligible for remote work or that the position is no longer suitable for remote work.
3. If the Human Resources Officer determines that all requirements for termination of the remote work agreement are satisfied, the employee and the employee's immediate supervisor will be promptly notified. The notification will include:
  - A. An instruction to the employee to report to the employee's previous official worksite within 90 days of notification (or longer, if warranted by circumstances);
  - B. A statement of the employee's new pay amount upon transfer to the official worksite; and
  - C. A statement that no relocation costs or other monetary incentive will be provided to the employee.

**k. Remote Work Denial and Termination.** Consistent with section 7(B)(4) of PB 20-06, following the denial of a remote work request or termination of a remote work agreement, an SOL employee may submit a grievance in writing to the Solicitor in accordance with the Department's [Administrative Grievance Procedures](#), 370 DM 771 (Apr. 6, 2015). The Solicitor will issue a written decision on the grievance generally within 30 days following receipt of an administratively complete written request.

## **Chapter 2. Leave and Pay (Revised September 18, 2023)**

1. For all leave requests, SOL will follow the requirements of the Department's [Absence and Leave Handbook](#) (March 16, 2012).
2. **Credit Hours.** A credit hour is time that an employee voluntarily elects to work in excess of the employee's basic work requirements under a flexible work schedule. A General Schedule (GS) employee must request and receive authorization in writing from the employee's immediate supervisor prior to earning credit hours. A maximum

of 24 credit hours can be carried over from one pay period to the next by a full-time employee. Approved credit hours are reported in Quicktime using codes 230 (earned) and 231 (used).

- 3. Compensatory Time.** Compensatory time, commonly called “comp time,” is paid leave in lieu of overtime pay for irregular or occasional overtime work. Compensatory time typically is directed by an employee’s supervisor and should be considered only when essential to meet an urgent deadline. Prior to approval, the supervisor will request and obtain from the SOL-HR Team a calculation of the number of compensatory leave hours that may be authorized pursuant to applicable premium pay limitations. Approval of compensatory time must be provided in writing by the employee’s supervisor. Approved compensatory time is reported in Quicktime using codes 040 (earned) and 041 (used). The Division of Administration will monitor compensatory time throughout the Office to ensure appropriate usage.
- 4. Overtime Pay.** Overtime pay generally is not authorized except where required by law (e.g., FLSA non-exempt employees earning below the salary of a GS-10 step 10). A request for authorization to have an employee receive overtime pay must be submitted in writing by the employee’s supervisor to the Associate Solicitor for Administration.
- 5. Administrative Leave for Relocation.** An SOL employee relocating to a new duty station outside of the employee’s current locality may request up to 24 hours of administrative leave during the period of relocation. The request must be submitted in writing by the employee to their immediate supervisor prior to relocation.

### **Chapter 3. Performance Appraisals**

- 1.** Performance appraisals for all career SOL employees are managed the Department's electronic performance appraisal system located in DOI Talent. Supervisors and employees may review the Department’s [Performance Management Handbook](#) for information on the performance appraisal process.
- 2. Official Rating Period.** The official performance rating period begins on October 1 and concludes on September 30 for all employees except for newly hired employees whose official rating period begins on the date of onboarding and concludes on September 30, provided that the period is at least 90 days in duration.

### **3. Receipt of Performance Standards.**

- a. An employee and the employee's Rating Official must acknowledge receipt of performance standards by the employee in an Employee Performance Appraisal Plan (EPAP):
  - i. Within 45 days of an employee's entrance on duty;
  - ii. Within 45 days of the start of a new rating period; and
  - iii. At the start of a temporary assignment of more than 120 days or other assignment to a different position.
- b. A Reviewing Official's signature is required for non-SES performance plans with summary ratings of Outstanding or Unacceptable. Reviewing Officials have discretion whether to review and sign performance plan at other summary rating levels.

**4. Mid-Year Progress Review.** A mid-year progress review is required for all employees who have been employed in the Office for at least 120 days. Reviews should cover the period from October 1 (or from the start date of the employee's current position if after October 1) to March 31.

### **5. Year-End Summary Rating.**

- a. **Narrative Summary.** A substantive narrative summary must be written by the Rating Official for each critical element for which an employee is rated Outstanding or Unacceptable. Narrative summaries are encouraged for each critical element for which an employee is rated Exceeds Expectations or Fully Successful.
- b. **Requests for Reconsideration.** If a rating of any critical element for a General Schedule (GS) employee would affect the employee's summary rating, the employee may request a reconsideration of the rating following the procedures stated in this chapter. An employee holding a Senior Executive Service or Senior Level position should consult the Servicing Human Resources Office regarding procedures for requesting reconsideration of a summary rating.
  - i. As a first step in any reconsideration process, the employee must attempt to resolve any performance rating disagreement with the Rating Official through informal communication within seven calendar days of

receipt by the employee of the summary rating. If the informal communication does not resolve the disagreement, the Rating Official's informal reconsideration decision must be communicated to the employee in writing within seven calendar days after the last informal reconsideration communication.

- ii.** Within seven calendar days following receipt of the written informal reconsideration decision, the employee may request formal reconsideration of the rating through the Servicing Human Resources Office. To request a formal reconsideration, the employee should submit a written request and provide the following:

  - 1.** A copy of the employee's EPAP with the summary rating and any narrative summary by the Rating Official;
  - 2.** A written statement, with supporting facts and documentation, by the employee stating the basis for any request for reconsideration and the action the employee is requesting;
  - 3.** A written statement by the employee summarizing all informal reconsideration communications that occurred; and
  - 4.** A copy of the written decision issued by the Rating Official following the informal reconsideration.
- iii.** No later than 14 calendar days after receiving the employee's written request for formal reconsideration, the Servicing Human Resources Office will determine whether the request is appropriate for acceptance or rejection under the procedures stated in this chapter and will notify the employee in writing of the determination. If the formal request for reconsideration is accepted, the request will be transmitted promptly, in writing, by the Servicing Human Resources Office to the Reconsideration Official.
- iv.** Within the Office of the Solicitor, the Reconsideration Official is the Rating Official's immediate supervisor, except:

  - 1.** When the Rating Official's immediate supervisor is the Solicitor, Principal Deputy Solicitor, Deputy Solicitor, or other non-career

official, the Reconsideration Official is the Associate Solicitor for Administration.

2. When the Rating Official is the Associate Solicitor for Administration, the Reconsideration Official is the Director of the Employment and Labor Law Unit.
  3. The Associate Solicitor for Administration may reassign the role of Reconsideration Official to another executive manager within SOL, as appropriate.
- v. Upon receipt of a formal request for reconsideration, the Reconsideration Official will communicate with the Servicing Human Resources Office regarding the reconsideration process to be conducted, including issuance of a written decision. When possible, the written decision by the Reconsideration Official should be issued within 21 calendar days following receipt by the Reconsideration Official of the formal request for reconsideration.
  - vi. The written decision rendered by the Reconsideration Official is final and becomes the official rating of record. There is no right of appeal.
  - vii. The Office of the Solicitor will ensure that the reconsideration process includes both informal and formal stages and that timeframes are reasonable but may otherwise adjust the process and timeframes set forth in this chapter.

**Chapter 4. Awards.** The SOL awards program is administered in accordance with the Department’s Awards and Recognition Policy stated in 370 DM 451. Each SOL division and region receives an annual awards budget, which may be used only for Performance-based and STAR awards.

1. **Eligibility.** An employee must have at least a current “fully successful” performance appraisal on file to be eligible for any award.
2. **Types of Awards.**
  - a. **Solicitor’s Excellence Award.** The Solicitor’s Excellence Award recognizes outstanding achievements and contributions by individual SOL employees or teams. Conferral of Excellence Awards is at the discretion of the Solicitor, subject to existing laws, regulations, and Department policies. A designated

amount will be allocated each year for these awards to be conferred at the Solicitor's discretion.

- b. Award General Fund.** The Award General Fund recognizes contributions by individuals whose actions provide outstanding benefit to the operations of the Office of the Solicitor. A designated amount will be allocated each year for these awards to be conferred at the discretion of the Associate Solicitor for Administration.
- c. Performance-Based Cash Awards.** A [performance-based cash award](#) may be a specific dollar amount or a percentage of the employee's pay, subject to Departmental policy, which sets the maximum performance-based cash award at 5% of base pay (including locality adjustments) for employees receiving an Outstanding summary rating, 3% for an Exceeds Expectations summary rating, and 1% for a Fully Successful summary rating. All performance-based awards should be submitted to the SOL-HR Team for processing no later than November 31.
- d. Special Thanks for Achieving Results (STAR) Award.** A STAR Award is used to recognize noteworthy accomplishments that are limited to a one-time occurrence or for exceptional accomplishments over a period of months. It should not be issued in relation to an employee's annual performance appraisal. Accomplishments may be either within or outside the scope of an employee's normal duties. Examples of situations for which it would be appropriate to give an employee a STAR Award are those in which the employee produces exceptionally high quality work under tight deadlines; performs added or emergency assignments in addition to their regular duties; or exercises extraordinary initiative or creativity in addressing a critical need or difficult problem.
- e. Client-Funded STAR Award.** An employee may be recommended for a STAR award by a Departmental bureau or office. A form DI-451, Award Certification, is used to recommend a STAR award and must be submitted to the proposed recipient's supervisor for concurrence. If the employee's supervisor concurs, the form must be transmitted to the SOL-HR Team for processing and securing approval from the Associate Solicitor for Administration. A reimbursable agreement must be initiated by the bureau or office and obligated before the award can be conferred.

- f. **Time-Off Award.** An employee's supervisor may grant a time off performance or STAR award up to 24 hours. Awards greater than 24 hours but not exceeding 40 hours may be granted by an employee's supervisor with the approval of the Associate Solicitor for Administration. An employee may not receive time-off awards exceeding 40 hours in aggregate in one rating year unless exceptional circumstances warrant and with the approval of the Associate Solicitor for Administration.

**3. Award Officials.**

- a. **Recommending Official.** Unless otherwise stated, an employee's immediate supervisor is the Recommending Official.
- b. **Reviewing and Approving Official.** Unless otherwise stated, an employee's Associate or Regional Solicitor is the Reviewing and Approving Official. If the employee's immediate supervisor is an Associate or Regional Solicitor, the Associate Solicitor for Administration is the Reviewing and Approving Official.

- 4. **Maximum Award.** A General Schedule employee may not receive a total of more than \$15,000 in cash awards during a fiscal year, including all performance awards, STAR awards, and Quality Step Increases. A request to exceed this limit must be submitted in writing to, and approved by, the Associate Solicitor for Administration.

**Chapter 5. Promotions (Revised September 18, 2023).** This Chapter specifies promotion procedures and requirements for attorney (excepted service) and non-attorney (competitive service) positions in the General Schedule (GS). Promotion into Senior Executive Service (SES) and Senior Level (SL) positions are governed by the policies of the Department.

- 1. **Promotion Guidelines.** Managers are responsible for ensuring that all promotion actions are consistent with Departmental and Office guidelines such as those pertaining to equal employment opportunity and streamlining. Promotions may be postponed or frozen if the Solicitor determines that budget constraints or the overall needs of the Office so require. Promotions will be granted only where sufficient work at the appropriate level exists.
- 2. **Attorney Promotion.**
  - a. **Eligibility.** The maximum grade level for most attorney positions in SOL is GS-14. A limited number of attorney positions that satisfy the OPM criteria for

GS-15 have been designated by the Solicitor as having a full performance level (FPL) of GS-15.

- i. To be eligible for promotions to a particular grade, an attorney must, at a minimum, have received a current performance appraisal with a summary rating of Fully Successful or above; have a demonstrated ability to perform at the higher grade level; and meet the following time-in-grade requirements:
  1. **GS-12** – 1 year at the GS-11 level
  2. **GS-13** – 1 year at the GS-12 level
  3. **GS-14** – 1 ½ years at the GS-13 level
  4. **GS-15** – 1 ½ years at the GS-14 level
- ii. Any requests for a promotion occurring less than one year after onboarding must include a final or interim performance appraisal demonstrating performance at a level above Fully Successful.

**b. Attorney Promotion Procedures for FPL GS-14 Positions.** Attorney promotions must be recommended by the employee's Associate or Regional Solicitor at the manager's discretion and be approved by the Solicitor or the Solicitor's designee. Having determined that the employee has demonstrated sufficient, fully successful work at the current grade level and has met the eligibility requirements, supervisors may proceed with a career ladder promotion request. A request memo must be submitted to the SOL-HR Team and include a written justification. The justification must include a brief chronology of the attorney's employment with SOL, references to awards and honors received, a statement of significant accomplishments, and a copy of the employee's most recent EPAP.

**c. Attorney Promotions From GS-14 to GS-15.**

- i. **GS-15 Team Leader Positions.** The Office, at the discretion of the Solicitor, may create non-supervisory GS-15 Team Leader positions where appropriate to assist supervisors with the management of attorneys where the practice area of a group of attorneys is especially large or diverse. The role of the Team Leader is to provide guidance and directions to staff on work assignments, to review written work product,



and to provide input on staff performance. To be eligible for a Team Leader position, an attorney must be a GS-14 level attorney for at least 1 ½ years, demonstrated an expertise in the subject area in which the Team Leader position would provide support to the supervisor (e.g., through sustained superior or exceptional performance), and demonstrate appropriate competencies (e.g., interpersonal skills, written and oral communications, problem solving, creativity and innovation, and/or strategic thinking).

ii. **Non-Supervisory GS-15 Attorney Positions.** All non-supervisory attorney positions are evaluated through the rigorous application of the Office of Personnel Management (OPM) classification criteria for attorney positions in the Federal government.

**1. Solicitor Determination Regarding Initiation of Reclassification**

**Process.** The decision to initiate evaluation of existing attorney positions for possible reclassification to Full Performance Level GS-15 requires careful consideration of SOL's current and projected budget. If the Associate Solicitor for Administration determines that sufficient funds are available for possible reclassification of existing positions, the Associate Solicitor will submit a recommendation to the Solicitor. The Solicitor will determine the maximum number of positions to be reclassified, taking into consideration budgetary projections and Office needs. Associate and regional solicitors will be notified if they may consider positions within their division or region for possible reclassification.

**2. Procedures for Reclassification.** Associate and Regional Solicitors authorized to consider positions for possible reclassification will be provided instruction regarding the information necessary for the reclassification process. Such information will include (1) identification of the position by nature of the work responsibilities, client(s), etc.; (2) identification of the individual or individuals who currently occupy the position; and (3) a sufficient description of the work of the position within the following categories: (a) nature of functions; (b) supervision and guidance received; (c) personal work contacts; and (d) nature and scope of recommendations and decisions. This description should address the position and not the person(s) occupying the position. GS-15

conversions will not be based on the qualifications or the performance of the attorney(s) doing the work; rather, the conversions will be based on whether the nature of the work performed satisfies the OPM criteria for a GS-15.

- 3. Determination of Attorney Promotion to GS-15 Position.** Once a position is identified as an FPL GS-15 position, it will then be determined which individual will be promoted into that position. For positions that currently have two or more individuals performing those duties, it will be necessary to internally compete for the promotion. This will be determined once the selected positions are identified using the following criteria:
  - A.** Recognized expertise not widely shared in the Office in an area of law critical to the SOL mission or demonstrated success in coordinating and managing multiple, complex caseloads;
  - B.** Demonstrated ability to resolve challenging issues with little direct supervision;
  - C.** Demonstrated ability to perform work functions at OPM Type III/Level E;
  - D.** Demonstrated experience in maintaining work contacts at OPM Type III/Level E;
  - E.** Demonstrated ability to provide recommendations to heads of programs, bureau chiefs, or other senior officials, either directly or through supervisors;
  - F.** Demonstrated strength in EPAP critical elements;
  - G.** Demonstrated resourcefulness, creativity, leadership, ability to handle a large volume of work, high quality work product, and a willingness and ability to take on difficult assignments;
  - H.** No significant disciplinary action during their tenure with SOL.
- 4. Additional Considerations:**

- A. Promoting an individual into an FPL GS-15 position does not automatically increase the individual's grade to GS-15. The individual must first satisfy the requirements for promotion, including time-in-grade.
- B. Once a position is converted to GS-15, the position will remain a GS-15 position. Should the incumbent later retire or resign, the office will be permitted to backfill the vacancy at the FPL GS-15 level. Such positions could also be filled at a lower grade level, with GS-15 promotion potential.

### **3. Non-Attorney Career Ladder Promotion.**

- a. **Eligibility.** To be eligible for a promotion to the next grade in the employee's career ladder, an employee in the competitive service must, at a minimum, have received a performance appraisal with a summary rating of Fully Successful or above within the past 12 months; have demonstrated the ability to perform at a higher grade than their current grade; and meet the time-in-grade requirements. For additional information on eligibility requirements, see the Department's [Merit Promotion & Staffing Policy Personnel Handbook](#) (Nov. 2020).
- b. **Procedure.** Competitive service career ladder promotions must be recommended by the employee's Associate or Regional Solicitor and be approved by the Associate Solicitor for Administration. A memorandum requesting an employee's career ladder promotion must be submitted to the SOL-HR Team and include a written justification containing a brief chronology of the employee's service within SOL, reference to awards and honors received, and a statement of significant accomplishments.

## **Chapter 6. Filling Vacant Positions (Revised September 18, 2023)**

### **1. Non-Supervisory Professional Staff Allocation.**

- a. For the purpose of managing the SOL annual appropriation and ensuring proper distribution of resources, the Associate Solicitor for Administration will recommend to the Solicitor an allocation of non-supervisory professional staff full-time equivalent (FTE) positions funded by the Office's annual appropriation. The allocation will establish a maximum number of FTE positions for each SOL division, region, and office. For the purpose of this subchapter, "non-supervisory professional" is defined as an employee holding

a non-supervisory position with an FPL of GS-12 to GS-15. The Solicitor has final authority for approving the allocation and for revising the allocation, as needed, based on budget or other considerations.

- b.** Following approval of the allocation by the Solicitor, the SOL Budget Officer will inform all SOL managers of their division, region, or office's allocation and will ensure that any request to fill a vacant non-supervisory professional position does not exceed the allocation, with the following exceptions:
  - i.** A vacancy created by the filling of a supervisory position by a current SOL employee funded by the Office's annual appropriation may be filled without regard to that office's current allocation.
  - ii.** At the conclusion of an approved detail assignment, a non-supervisory professional will be permitted to return to their permanent office assignment without regard to that office's current allocation.
  - iii.** A division, region, or office seeking to hire a non-supervisory professional that is to be fully funded by the Office's annual appropriation may exceed their allocation by a maximum of 0.2 FTE.
  - iv.** A division, region, or office seeking to hire a non-supervisory professional that is to be at least 50% funded by a client's appropriation, but will be less than 100% client-funded, may exceed their allocation by a maximum of 0.4 FTE.
- c.** A non-supervisory professional position authorized to work less than full-time will be treated for allocation purposes as equivalent to the maximum percentage that the position is authorized to work.
- d.** A division, region, or office seeking to eliminate a vacant non-professional position (i.e., a position with an FPL of GS-11 or below) for the purpose of increasing their non-supervisory professional allocation may do so provided that a request to eliminate the position is submitted to, and approved by, the Associate Solicitor for Administration. Any such request must explain how all administrative tasks previously performed by the eliminated position will be accomplished with existing personnel. Approved adjustments will be as follows:
  - i.** Elimination of FPL GS-8 or below: allocation increased by 0.5 FTE

ii. Elimination of FPL non-attorney GS-9 to GS-11: allocation increased by 0.7 FTE

iii. Elimination of FPL non-attorney GS-12: allocation increased by 0.8 FTE.

e. Allocations under this subchapter do not include the following:

i. Non-career positions;

ii. Supervisory positions, regardless of grade;

iii. Non-supervisory Senior Executive Service (SES) or Senior Level (SL) positions; or

iv. Positions with a full performance level of GS-11 or below.

f. A division or region that has experienced a significant and sustained increase in its workload may request an increase in its Non-Supervisory Professional Staff Allocation. A memorandum making such a request by an Associate or Regional Solicitor must be submitted to the Associate Solicitor for Administration and must include (i) a detailed description of the volume and cause of the increased workload, (ii) a description of efforts undertaken to address the increased workload at the current staffing level, and (iii) a summary of efforts undertaken to secure funding for additional staff through alternative sources. Approval of any increase in a division or region's Non-Supervisory Professional Staff Allocation will be by the Solicitor or the Solicitor's designee.

**2. Requests to Fill Vacant Positions.** Associate and Regional Solicitors may submit a request to fill a vacant position by submitting a memorandum to the SOL-HR Team. For actions requiring approval of the Solicitor, the memorandum should be addressed "Through: The Associate Solicitor for Administration" and "To: The Solicitor." For all other actions, the memorandum should be addressed "To: The Associate Solicitor for Administration." All memoranda should include:

a. A statement justifying the need to fill the position based on the current and anticipated future workload in the office, including an explanation of whether the hire should be permanent or time-limited;

b. A statement justifying the proposed hiring grade and, if appropriate, a request and justification for the proposed hiring at an "above-minimum" step;

- c. Confirmation of the position's proposed official duty station location and the availability of suitable office space or a request for assistance by the Division of Administration to identify suitable office space or, if the position is proposed for a remote location, providing a justification as to why establishing the remote position is in the best interest of the Office;
  - d. A statement articulating if the position is or is not required to file either a public or confidential financial disclosure statement or require a national security clearance; and
  - e. For positions to be funded by a client bureau or office, a statement from the funding client representative that the bureau or office will pay salary, benefits and indirect costs for the term of the position.
- 3. Consideration of Hiring Request.** For hiring decisions not delegated by the Solicitor, the Associate Solicitor for Administration will present the hiring manager's justification to the Solicitor for decision. For all other hiring requests, the Associate Solicitor for Administration will render a decision. Once a decision is made, the SOL-HR Team will inform the hiring manager of the decision and, if the hiring request has been approved, ensure that the servicing personnel office (SPO) posts an advertisement in the appropriate forum.
- 4. Post-Interview and Selection.** After evaluation of candidates is complete, managers must forward a written hiring recommendation to the SOL-HR Team. The recommendation must include: the top candidate's resume and other information provided by the candidate in support of the application; a description of the candidate evaluation process; an assessment of the top candidate's qualifications for the position; and, if applicable, supporting information from the Department bureau or office confirming the availability of funding.
- 5. Alternative Candidate.** A hiring recommendation may include an alternative recommended candidate who would be selected in the event that the top candidate is unwilling or unable to accept an offer of employment. A recommendation of an alternate candidate must include the same supporting information as provided for the top candidate.
- 6. Authority of the Solicitor for Hiring Actions.** The Solicitor has the authority to approve or disapprove all requested hiring actions, subject to applicable laws and regulations.

- 7. Notifying the Selectee of Hire.** When the Solicitor or the Solicitor’s designee has approved the hiring recommendation, the SOL-HR Team will coordinate with the SPO, which will to notify the selectee of their hiring approval. Only the SPO is authorized to make the official offer.
  
- 8. Guidelines for Appointed Attorney Hires Pay Grades.** New attorneys are appointed in an excepted service career, career-conditional, or term status.
  - a. Recruiting and Hiring at the GS-9 Level.** Law school graduates with LL.B. or J.D. degrees who are admitted to the Bar may be appointed to attorney positions at the GS-9 level.
  
  - b. Recruiting and Hiring at the GS-11 Level.** An attorney who meets the GS-9 requirements described above and who (1) has at least one year of professional legal experience following law school graduation, or (2) has a second professional law degree (e.g., an LL.M.), or (3) meets any of the criteria indicated below may be appointed at GS-11:
    - i. Academic standing in top one-third of law school graduating class;
    - ii. Graduation with academic honors;
    - iii. Significant participation on the law school’s law review;
    - iv. Significant participation in the law school’s moot court competition;
    - v. Significant participation in a clinical legal aid program;
    - vi. Significant summer law office clerk experience; or
    - vii. Other equivalent evidence of clearly superior achievement may be appointed at the GS-11 level.
  
  - c. Recruiting and Hiring at the GS-12 Through GS-14 Levels.** An attorney who meets the GS-11 qualification requirements and, at a minimum, has the following additional professional legal experience, may be appointed at the following grade level:
    - i. **GS-12:** One year at the GS-11 level or its equivalent or a total of one year of professional legal experience.

- ii. **GS-13:** One year at the GS-12 level or its equivalent or a total of two years of professional legal experience.
  - iii. **GS-14:** One and one-half years at the GS-13 level or its equivalent or a total of three and one-half years of professional legal experience
- d. **Recruiting and Hiring at the GS-15 Level.** An attorney who satisfies the GS-14 requirements and who has at least five years of professional legal experience and meets the non-supervisory GS-15 criteria as stated in V SM 6, may be appointed at the GS-15 grade level, provided that the position satisfies OPM criteria for full performance level of GS-15 and has been approved by the Solicitor.
- e. **Pay Level for Newly Hired Attorneys**
- i. **Maximum Grade, Minimum Step.** Selected candidates typically receive an offer to be hired at the first step of the highest grade for which they qualify.
  - ii. **Hiring at a Lower Grade.** A supervisor may request that a selected candidate be offered a lower grade than the highest grade for which the selected candidate qualifies. A justification of the proposed lower grade should be included in the memorandum requesting authorization to hire.
  - iii. **Hiring at a Higher Step.** A selected candidate who is being hired to their first position in the Federal government or is being reappointed to a GS position after a break in services of 90 days or more may be considered for a higher step. Supervisors may submit a memorandum to SOL-HR recommending a hire above the minimum step. The memorandum must state the reason for the request (e.g., selected candidate will not accept the position at Step 1) and provide proof of the candidate's current pay level. Additionally, the memorandum must address:
    - 1. The candidate's "superior qualifications" compared to those of other well qualified and available candidates; or
    - 2. The "special needs" of the office, including the rationale used for concluding that the candidate is better able to perform the needed work than other candidates who were recruited or who could reasonably be expected to respond to renewed recruiting efforts.



For additional information, see [OPM Fact Sheet: Superior Qualifications and Special Needs Pay-Setting Authority](#).

**9. Termination of Employment During a Probationary or Trial Period for Attorney Positions.**

- a. Probationary or Trial Employment Period.** Attorney positions are positions in the excepted service. The first two years of an excepted service appointment (one year for preference-eligible appointments) constitute a probationary or trial period. A termination of employment during a probationary or trial period for unsatisfactory performance or conduct is not directly appealable to the Merit Systems Protection Board (MSPB).
- b. Recommendation for Termination of Employment during a Trial Period.** Recommendation for termination of employment during a trial employment period will be made by the employee's immediate supervisor or the respective Associate or Regional Solicitor, after consultation with the Associate Solicitor of Administration. The Associate Solicitor for Administration must approve any termination of employment during a trial employment period.

**Chapter 7. Voluntary Reassignments and Details**

- 1. Voluntary Reassignments and Developmental Details Encouraged.** The Solicitor encourages employees to broaden their experience and skills by seeking voluntary reassignments and developmental details to divisions and regions inside SOL and to client bureaus and offices, where appropriate. Employees may request to be considered for a voluntary reassignment or developmental detail at any time following completion of their probationary period.
- 2. Requirements for Voluntary Reassignments and Details.** Employees requesting voluntary reassignment or developmental detail must:
  - a.** Have at least a "Fully Successful" performance evaluation rating for the two years immediately prior to the request; and
  - b.** Submit a request to their immediate supervisor to include:
    - i.** A detailed explanation of the developmental benefits to be realized by the requestor. Such benefits may include, but are not limited to:
      - 1.** Acquisition or enhancement of management or supervisory skills;

2. Enhanced knowledge of an existing legal specialty;
  3. Acquisition of a new legal specialty relevant to client needs;
  4. Enhanced understanding of client programs and procedures, where such enhanced understanding is relevant to the requestor's legal duties within SOL.
- ii. A statement from the gaining manager supporting the request; and
  - iii. A written agreement by the gaining office to fully fund the employee's salary, benefits and incidental costs for the duration of the developmental detail., if the request is for a developmental detail outside SOL.
- c. The employee's immediate supervisor, in concurrence with the executive manager, must then submit a memorandum to the Associate Solicitor for Administration requesting approval of the developmental detail.
3. **Practice of Law.** An attorney detailed from the Office of the Solicitor to a Department bureau or office other than the Office of Hearings and Appeals, the Office of the Inspector General, the Legislative Counsel, or the Justices of American Samoa is prohibited from the practice of law or from conferring legal advice to or on behalf of the Secretary, the Department, or its bureaus and offices.
  4. **Relocation Expenses.** SOL will not pay relocation expenses for voluntary reassignments or developmental details. If a voluntary reassignment or developmental detail is approved, employees may be allowed official time without charge to leave to locate accommodations, to pack and unpack household goods, and to move between locations. The time authorized will be consistent with that authorized for a Government-paid relocation.

## **Chapter 8. Career Position Titles (New September 18, 2023)**

1. **Official Position Title.** The official title for any career position within SOL is the position identified in the employee's most recent SF-50 form, *Notification of Personnel Action*.
2. **Unofficial Position Title.** For the purposes of organization and position management within SOL, an unofficial position title may be authorized for use by a career SOL General Schedule (GS) employee.

- 3. Approved Unofficial Titles.** To ensure uniform usage, the following unofficial titles have been approved for use by career GS employees within SOL. For the purpose of this chapter, the term “first-level supervisor” is defined as a supervisory employee who does not have any subordinate supervisory employees. See 5 C.F.R. § 842.802.

  - a. Assistant Solicitor.** The unofficial title of Assistant Solicitor may be used by the first-level supervisory attorney-advisor assigned to an SOL division.
  - b. Assistant Regional Solicitor.** The unofficial title of Assistant Regional Solicitor may be used by the first-level supervisory attorney-advisor assigned to an SOL regional office.
  - c. Deputy Director.** The unofficial title of Deputy Director may be used by a supervisory employee who reports directly to an employee with the official title of Director.
  - d. Field Solicitor.** The unofficial title of Field Solicitor may be used by the senior supervisory attorney-advisor assigned to an SOL field office.
  - e. Team Lead.** The unofficial title of Team Lead may be used by a non-supervisory GS-15 attorney-advisor whose duties include mentorship, coaching, training, and assignment of work within a branch or office, but whose position does not meet OPM Team Lead Classification criteria to designate the position as an official Team Lead (identified in an employee’s SF-50 form).
  - f. Senior Attorney.** The unofficial title of Senior Attorney may be used by a non-supervisory GS-15 attorney-advisor assigned to a division, region, or office.
- 4. Use of Other Unofficial Titles.** A request to use an unofficial position title other than those identified in this chapter must be submitted by the employee’s supervisor to the SOL Human Resources Officer who will evaluate whether the proposed unofficial position title is consistent with the Office’s organization and position management objectives.
- 5. Prohibition on Use of “Attorney” in Unofficial Title by Employees Not in the 0905 or 1322 Classification Series.** Only employees assigned to the Office of Personnel Management (OPM) General Attorney Classification Series 0905 or the OPM Patent Attorney Classification Series 1322 may use the term “Attorney,” “Attorney-Advisor,” or any variant thereof in their Unofficial Title. The use of the term “Attorney,” “Attorney-Advisor,” or any variant thereof by an SOL employee not in the 0905 or

1322 classification series as part of their job title is prohibited, regardless of professional degrees held or bar membership status.

**Chapter 9. Honors Attorney Program (Revised September 18, 2023).** SOL may annually hire, as the budget or other considerations allow, recent law school graduates with outstanding academic accomplishments to participate in the Solicitor’s Honors Attorney Program.

- 1. Annual Initiation of Honors Attorney Program.** The Honors Attorney Program will be initiated annually at the discretion of the Solicitor. Each year no later than August 1, the Solicitor will determine the size of the Honors Program class that is to commence in the fiscal year that begins in the following calendar year. The Solicitor may determine that no Honors Program class be held for the subject year if budgetary or other considerations warrant such a determination.
- 2. Applications.** The application period for each Honors Attorney Program class will be determined by the Division of Administration. Upon the closure of the application period, a list of eligible candidates will be provided to the Nominating Committee.
- 3. Selection.** A Nominating Committee consisting of career SOL attorney-advisors will be convened by the Associate Solicitor for Administration for purposes of evaluating eligible candidates for the Honors Attorney Program class. The Nominating Committee should be comprised of individuals who represent the diversity of the Office and include representatives from various divisions and regions. Past participants in the SOL Honors Attorney Program should be encouraged to participate. The Nominating Committee will identify and interview candidates to be submitted for final recommendation to the Solicitor on or about November 15. The Solicitor will determine the list of individuals to be offered placement in the Honors Attorney Program class by on or about November 25. Offers will be extended promptly thereafter.
- 4. Hiring.** Acceptance of an offer of employment by an Honors Attorney Program candidate must include a signed Statement of Understanding acknowledging that (a) the individual is required to pass a bar examination and be an active member of the Bar in a state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico within 14 months of entry on duty (5 C.F.R. § 213.3102 (e)); (b) failure to pass a Bar exam and become an active members of the Bar within 14 months of employment will result in termination of employment; and (c) the individual is committed to remain employed with SOL for a period of three years.
- 5. Rotational Assignments.** For the first year of employment, each Honors Attorney Program participant will participate in seven rotational assignments, each lasting

approximately seven weeks. Rotations will be primarily through the headquarters law divisions, with each participant also participating in one elective rotation to one of the Office's regional offices or at another location to be determined by the Office. Upon arrival, each Honors Attorney Program participant will be assigned a mentor.

- 6. Permanent Assignment of Honors Program Attorneys.** As the Honors Attorney Program class nears completion of its rotational assignments, a determination will be made as to the permanent assignment for each Honors Program Attorney. Such determination will be made after consultation with the Honors Program Attorney and the Associate and Regional Solicitors. Permanent assignments will be made by the Solicitor and will become effective upon the completion of the rotational assignments.

## **Chapter 10. Alternative Work Schedules (Revised September 18, 2023)**

- 1. Alternative Work Schedules.** SOL supports flexible work arrangements when conducive to the overall efficiency and morale of the Office and comply with applicable laws and regulations. Personnel Bulletin No. 09-14 (Oct. 9, 2009) describes the types of alternative work schedules available to SOL employees.
- 2. Core Hours.** Core hours are the time periods during the workday during which an employee covered by a flexible work schedule is required to be present for work. See 5 U.S.C. § 6122(a)(1).
  - a.** The core hours for employees of the Office of the Solicitor are between 10:00 a.m. and 2:00 p.m. in the time zone of the employee's official duty station, unless different core hours are determined by an employee's supervisor to be in the best interest of the Office.
  - b.** When not detrimental to Office operations, an employee's supervisor may approve a request by the employee to change temporarily the core hours of the employee.
  - c.** An involuntary change of an employee's core hours must be approved by the Associate Solicitor for Administration.
  - d.** The work hours of an employee with an approved remote work agreement should be, to the extent practicable and consistent with paragraph 2(a) of this chapter, inclusive of the core hours where the employee's assigned division or regional headquarters is based, unless determined by the employee's supervisor to be not in the best interest of the Office.

## **Chapter 11. Student Internship Program (Revised September 18, 2023)**

- 1. Authority.** All SOL divisions, regions, and offices may accept services of student volunteers as part of its Internship Program. *See* 5 U.S.C. § 3111, 5 C.F.R. Part 308. Such services are an exception to the general prohibition on acceptance of volunteer services. Student volunteers are not Federal employees for any purpose other than for injury compensation under the Federal Tort Claims Act.
- 2. Program Eligibility.** The following categories of students are eligible to participate as student volunteers in the SOL Internship Program: undergraduate students at an accredited college or university who are enrolled at least half-time; students who are actively pursuing a graduate degree at an accredited college or university; first-year law students who have successfully completed their first semester at an accredited law school; second-year and third-year law students at an accredited law school; and law school graduates who are actively pursuing a graduate law degree at an accredited law school. All students must be in good academic standing and will be required to provide official documentation from their school. First-year, first- semester, law students may apply after December 1 for internships the following summer.
- 3. Recruitment and Selection Process.**
  - a.** Participating offices will designate one or more attorneys as the intern program coordinator(s) for their division or region. The coordinator(s) will work in coordination with the Division of Administration in recruiting for, planning, and executing the intern program.
  - b.** The SOL-HR Team will publish a notice or notices of availability for student volunteer intern positions each year. Such notice will contain a list of SOL divisions and regions and will invite applicants to select and rank their choices for which they would like to be considered.
  - c.** Applications will be accepted during the published open application period. The SOL-HR Team will publish and distribute to the participating division and region program coordinators any application that expresses a desire to work in their office. The program coordinators will review the applications and inform the SOL-HR Team of their selection.
  - d.** The SOL-HR Team will inform applicants of their selection, will extend offers, and oversee the adherence to all onboarding requirements for the applicant

to include the completion of the security background investigation as per Departmental guidelines.

- e. Divisions and regions also may undertake efforts to recruit interns independent of those conducted by the SOL-HR Team.
4. SOL will not pay travel or living expenses for student volunteers. Internship positions are without compensation from SOL but eligible to participate in the transit subsidy benefit program where applicable.<sup>9</sup>
5. Associate and Regional Solicitors will ensure that there is a designated single point of contact for the supervision and evaluation of their student volunteers and will work in collaboration with the SOL-HR Team to prepare for the arrival and departure of the student volunteer.
6. A request by an SOL intern to use written work-product created during the internship must be reviewed by an attorney-advisor subject matter expert and approved for external use by a division or region supervisor and the SOL Records Officer. A privileged document also must be cleared by the holder of the privilege (*e.g.*, waiver of attorney-client privilege must be made by the client). A document containing pre-decisional or sensitive agency information may not be appropriate for use outside of the Department. The reviewing supervisor, subject matter expert, SOL Records Officer, or holder of a privilege may determine that the document be redacted prior to authorizing external use. Once approval is provided, the intern should provide the SOL Records Officer with the written approval for release and a copy of the original document and any redacted version.

## **Chapter 12. Employee Discipline**

1. In order to maintain Office-wide morale and efficient operation of the mission of the Office, all supervisors in SOL must hold employees accountable. In doing so, supervisors must understand and apply Departmental policies and adverse action procedures, as necessary.
2. An adverse action (*e.g.*, suspension, removal from Federal service) proposed against an employee who serving either in an excepted service or competitive service

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<sup>9</sup> Although SOL's internships are unpaid, a student intern may receive scholarship or grant money or other compensation from the student's school or other appropriate source for participation in the internship.

appointment, will be handled in accordance with the procedures set forth in 370 DM 752, 5 U.S.C. Chapter 75, and 5 C.F.R. Part 752.

3. Non-SES supervisors must consult with their SES manager when considering an adverse action. Supervisors must consult with the Associate Solicitor for Administration (who will coordinate with the Employment and Labor Law Unit, as necessary or appropriate) before initiating an adverse action.
4. Adverse action procedures apply to employees who have completed a trial or probationary period. Supervisors must consult with SOL's servicing Human Resources Office if an individual serving under a trial or probationary period, or serving under a temporary or term appointment, is engaging in misconduct or is not demonstrating satisfactory performance.

### **Chapter 13. Diversity, Equity, Inclusion, and Accessibility (New September 18, 2023)**

1. The Office of the Solicitor's mission is to provide legal services to the Secretary and the Department, including representation in litigation throughout the United States and counsel on a broad spectrum of issues, while inspiring high ethical standards. In support of this mission, SOL embodies a diverse workforce that includes individuals of varying backgrounds. We strive to demonstrate an organizational commitment to a culture of inclusivity. Our commitment to diversity, equity, inclusion, and accessibility (DEIA) is reflected in our application of all policies and procedures, recruitment and hiring strategies, training and professional development opportunities, and performance management and recognition.
2. Having strong diversity and inclusivity practices aids in the identification and development of superior talent and effective teams, the achievement of Officewide excellence, and realizing organizational and mission success. SOL understands that our employees are our most valuable asset and aims to recruit, hire, promote, train, and retain a diverse workforce inclusive of all backgrounds including, but not limited to, age, religion, disability, sexual orientation, race, color, ethnicity, national origin, gender, gender identity, veteran status, political affiliation, language, family structure, marital status, socio-economic status, geographical background, education, and professional experience.
3. SOL strives to be vigilant in sustaining DEIA throughout the workplace and promotes initiatives that will further DEIA objectives, including evaluating the performance of its senior leadership based on their DEIA efforts, establishing diversity and inclusion workgroups that promote the free exchange of ideas, providing training to all employees



in DEIA expectations, exploring strategies for innovative and nondiscriminatory recruitment and hiring, creating a safe and welcoming workplace culture, and other efforts designed to enhance and foster a diverse and inclusive workplace.

4. SOL values the opinions of all of its employees. SOL employees are encouraged to join SOL's DEIA working groups and suggest policies and practices that would further DEIA objectives. Suggestions may be made to the employee's supervisor or to a member of the SOL-HR Team.

## **Part VI Employee Responsibilities and Outside Activities (↑)**

### **Chapter 1. Teaching, Speaking, Writing, and Other Professional Development Activities.**

The Solicitor encourages SOL employees to engage in approved teaching, speaking, writing, and other professional development activities as part of the performance of their official duties. An SOL employee who wishes to partake in any teaching, speaking, writing, or other activities in a personal capacity (i.e., not on behalf of SOL or the Department) must comply with all relevant provisions of the Standards of Ethical Conduct and any prior approval requirements under the Department's supplemental ethics regulation to the extent any of these activities are with a prohibited source. In addition, certain noncareer appointees will be subject to limitations on outside earned income.

1. **Approval.** SOL employees must obtain the prior approval of their Associate or Regional Solicitor before engaging in any teaching, speaking, writing, or other professional development activity in the performance of their official duties. The Associate or Regional Solicitor, in granting authorization, will consult with the Departmental Ethics Office, as necessary, and will determine that the employee's participation in the teaching, speaking, writing, or other professional development activity (a) is not prohibited by any Department rule or policy; (b) relates to the programs, operations, or responsibilities of the Department; and (c) does not adversely affect the employee's assigned work.
2. **Compensation.** SOL employees are prohibited from accepting any compensation (cash, in-kind, or otherwise) from any source other than the Government for any official teaching, speaking, writing, or other activity except as permitted by law. SOL employees also are prohibited from accepting any compensation from any source other than the Government for any personal teaching, speaking, or writing that relates to their official duties except as permitted by law.
3. **Use of Nonpublic Information.** When participating in any teaching, speaking, writing, or other activity, whether in an official or a personal capacity, SOL employees are

prohibited from using, or allowing the improper use of, nonpublic information to further their own private interest or that of another. For the purposes of this provision, the term “nonpublic information” means information that the SOL employee gains by reason of Federal employment and that the employee knows or reasonably should know has not been made available to the general public.

- 4. Use of Official Title or Position.** When teaching, speaking, writing, or otherwise participating in an activity in an official capacity, SOL employees are authorized to use their official title or position in connection with such activity. When engaging in such activity in a personal capacity, however, SOL employees are authorized to refer to their official title or position, but limited to certain conditions:
  - a. The employee’s title or position is referenced as one of several biographical details when such information is given to identify them in connection with their speaking, writing, or teaching activity, and so long as their official title or position is given no more prominence than other significant biographical details; or
  - b. In connection with an article published in a professional or scientific journal, provided there is an accompanying disclaimer stating that the views in the article do not necessarily represent those of the SOL, the Department, or the United States.
  
- 5. Acceptance of Payments of Official Capacity Travel and Related Expenses From a Non-Federal Source.** When an SOL employee is participating as a speaker, panel participant, or otherwise presenting information focusing on their official duties or on the policies, programs or operations of the Department, or receiving training other than promotional vendor training, at a conference, symposium or similar event in an official capacity away from their duty station, SOL may accept payments, in-kind or by reimbursement, for the SOL employee’s travel and related expenses from a non-Federal source to the extent permitted by law and implementing Departmental regulations. Acceptance of payments for official travel and related expenses, in-kind or by reimbursement, is prohibited if: (a) the payment of any of these expenses was solicited, or the circumstances are such that the acceptance of the travel payment would cause a reasonable person with knowledge of all the acts relevant to a particular case to question the integrity of the Department’s programs or operations or the work performed by the employee receiving the benefit.
  - a. **Form DI-2000.** Before SOL can agree to accept the payment for an SOL employee’s official travel and related expenses from a non-Federal source, whether in-kind or by reimbursement, a [Form DI-2000](#), *Authorization for*

*Acceptance of Travel Expenses from Non-Federal Sources* (Aug. 2020), must be completed and signed by the SOL employee and then sent to the DEO for review and signature. After the DEO completes its review, the SOL employee must then submit the form (and any DEO guidance provided) to the Associate or Regional Solicitor or other authorized official for final approval and signature. The form must be completed and signed by all parties before the travel takes place.

- b. Travel Authorization.** After approvals have been obtained, the SOL employee's servicing support staff must prepare a travel authorization, with a copy of the approved Form DI-2000 attached. The travel authorization must include the following statement: "Payment from a non-Federal source of travel-related expenses is authorized under 31 U.S.C. § 1353, provided that prior to payment acceptance, the conditions for each case comply with 41 C.F.R. Part 304-1 and 374 DM 5 and are fully documented and approved via Form DI-2000."
- c. Travel Voucher.** Upon completion of the travel, the employee must submit a travel voucher that includes the same statement as required for the Travel Authorization.
- d. Reimbursement From the Non-Federal Source.** Reimbursement of official travel and related expenses from a non-Federal source under this subsection should be made by checks, GOVPay, or otherwise payable to the Department only. Reimbursement by check, cash, or other direct payment to the SOL employee personally is strictly prohibited.

## **Chapter 2. Reporting Harassing Conduct**

- 1.** SOL is committed to providing its employees with a safe and civil workplace. SOL management is responsible for promptly responding to all allegations of harassing conduct, conducting appropriate investigations or inquiries into such allegations, and holding individuals accountable when allegations are substantiated.
- 2.** All managers are required to document reports of harassing conduct by completing the SOL Report of Alleged Harassment form located on the Division of Administration's [Anti-Harassment portal page](#). Employees can also use this form to report harassing conduct if they choose not to report directly to a manager.

3. Upon completing the form, managers and employees are expected to attach the form in an email addressed to [hr-sol@sol.doi.gov](mailto:hr-sol@sol.doi.gov). The SOL Report of Alleged Harassment form will only be visible to the following SOL personnel: (1) the Solicitor, (2) the Principal Deputy Solicitor, (3) the Deputy Solicitor for General Law, (4) the Associate Solicitor for General Law, (5) the Director for the Employment and Labor Law Unit (ELLU), Division of General Law, (6) the Associate Solicitor for Administration, (7) the Deputy Director, Administrative Operations and Planning, Division of Administration, (8) the Human Resources Officer, Division of Administration, and designated HR staff.
4. The following SOL personnel may be given access to specific reports of alleged harassing conduct, if necessary, to provide the following services: (1) the Appropriate Manager as defined in Paragraph 5 below to take actions mandated by law, the SM, Personnel Bulletin 18-01, and other Departmental and SOL policies, (2) members of ELLU as needed to provide legal services, and (3) personnel designated in writing to investigate reports of harassing conduct.
5. The Human Resources Officer will forward to the Appropriate Manager any reports of harassing conduct immediately, and in all cases by the close of business on the day that the report is received. The Appropriate Manager is the immediate supervisor of the individual who was subjected to the reported harassing conductor. When the harassing conduct report implicates the employee's immediate supervisor as the alleged harasser, the second-level supervisor of the individual is designated as the Appropriate Manager.
6. If any manager or supervisor directly receives a report of harassing conduct, the manager or supervisor must complete the SOL Report of Alleged Harassment immediately. If the manager or supervisor receiving the report is not the Appropriate Manager, the manager or supervisor will notify the Division of Administration Human Resources Officer by email immediately.
7. Upon receiving a report of harassing conduct, the Appropriate Manager will follow the procedures and timelines detailed in Personnel Bulletin 18-01 Section 7 Management Response to Reports of Harassing Conduct.
8. The Appropriate Manager will inform the individual who was subjected to the reported harassing conduct, in writing that action is being undertaken to address the report. The Appropriate Manager will consult with ELLU to ensure that any communication does not violate the privacy or other rights of any individuals involved in the reported harassing conduct.

## Chapter 3. Ethics Responsibilities

### 1. Ethics Responsibilities Generally.

- a. **Employees.** All SOL employees must adhere to all Federal ethics laws and regulations, including the Department's supplemental ethics regulations. In addition, the Solicitor expects all SOL employees to take appropriate steps to protect the integrity of the Department's programs and operations and to ensure that ethical conduct is the hallmark of service in SOL.
- b. **Supervisors.** Supervisors in SOL have a heightened personal responsibility for advancing Government ethics. To this end, the Solicitor expects all supervisors to serve as models of ethical behavior for subordinates. The Solicitor also expects all supervisors to work with the DEO to ensure that their subordinates adhere to all Federal ethics laws and regulations. This includes assisting the DEO in (1) identifying positions subject to the financial disclosure requirements; (2) ensuring that subordinates file any required financial disclosure on time; (3) ensuring that subordinates take required ethics training on time; and (4) working to identify, evaluate, and remedy potential conflicts of interest.

### 2. Financial Disclosure Reporting.

The Ethics in Government Act of 1978, as amended, and the Office of Government Ethics (OGE) implementing regulations require certain SOL employees to submit financial disclosure reports. The provisions of this Chapter summarize the financial disclosure requirements applicable to SOL employees. Managers and employees must consult the DEO for additional information about the financial disclosure requirements.

- a. **Employees Expected to Serve 60 Days or Less in a 12-Month Period.**  
Employees who are reasonably expected to serve 60 days or less in a financial disclosure filing position in a 12-month period are not required to file a financial disclosure report associated with the position. *See* 5 C.F.R. §§ 2634.204, 2634.903. Employees who are expected to serve in a filing position for more than 60 days in a calendar year are required to submit a financial disclosure report.
- b. **Managers and Subordinates.** SOL managers must consult with the DEO to identify which of their subordinates must file a financial disclosure report and must inform the employee of the requirement. Once assigned a financial disclosure report from DEO, the SOL employee is responsible for timely completing and submitting the assigned financial disclosure form.

- c. **Failure to Comply With Financial Disclosure Requirements.** Failure to comply with the financial disclosure requirements may result in disciplinary action and/or subject the SOL employee to mandatory late filing fees in the case of public financial disclosure report filers. Employees who do not file a required financial disclosure report, file a false report, or fail to report required information may also be subject to civil or criminal penalties. *See* 5 C.F.R. § 2634.701.
- 3. **Public Financial Disclosure Report (OGE Form 278e).** Certain SOL employees performing the duties of a position identified in 5 C.F.R. § 2634.202 must complete and submit a OGE Form 278e. *See* 5 C.F.R. § 2634.202.
  - a. **Required Financial Disclosures.** Generally, public financial disclosure report filers must complete and submit an OGE Form 278e: (1) within 30 days of assuming a public filing position; (2) annually on May 15; and (3) within 30 days after terminating from a public filer position. Additionally, public financial disclosure report filers must report certain covered financial transactions occurring throughout the calendar year on a public periodic transaction report (OGE Form 278-T) within 30 days of receiving notice of a covered financial transaction, but not later than 45 days after the transaction occurs.
  - b. **Public Access to the OGE Form 278e and the OGE Form 278-T.** Public financial disclosure reports and public periodic transaction reports may be made available to the public upon request.
  - c. **Annual Ethics Training Requirements.** Employees required to file a public financial disclosure report must comply with annual ethics training requirements.
- 4. **Confidential Financial Disclosure Report (OGE Form 450).** Certain SOL employees (including special Government employees) whose Government duties involve the exercise of significant discretion in certain sensitive areas are required to report their financial interests and outside business activities to facilitate the review of possible conflicts of interests and must complete and submit an OGE Form 450. 5 C.F.R. § 2634.901(a).
  - a. **Filing Requirement.** The determination of whether an SOL employee is required to file an OGE Form 450 is fact-dependent and is based on the duties and responsibilities of the position. The determination is made by the SOL employee's supervisor in consultation with the DEO. The specific criteria

underlying this determination are established by regulation at 5 C.F.R. § 2634.904(a). Generally, SOL employees having the following responsibilities will file an OGE Form 450: procurement; federally conferred financial or operational benefits; regulating or auditing any non-Federal entity; or activities which will have a direct and substantial economic effect on any non-Federal entity.

- b. Timing of Filing.** Confidential financial disclosure report filers must complete and submit an OGE Form 450: (1) within 30 days of assuming a confidential filing position; and (2) annually on February 15.
  - c. Confidentiality.** Confidential financial disclosure reports will not be made available to the public upon request and will only be disclosed pursuant to the order of a Federal court or as otherwise provided under the Privacy Act.
  - d. Annual Ethics Training Requirements.** Employees required to file a confidential financial disclosure report must comply with annual ethics training requirements.
  - e. Special Government Employees (SGEs).** If SOL employs an expert, consultant, or other advisor to serve the Government on a temporary basis, the individual is classified as an SGE and may be required to submit an OGE 450 if their Government duties or responsibilities have the potential to conflict with their personal interests, as identified by 5 C.F.R. § 2634.904(a)(2).
- 5. Ethics Training for New Employees.** All new SOL employees are required to take initial ethics training within three months of appointment.
- 6. Prohibited Interests in Federal Lands.** SOL Employees, their spouses, and their minor children, are prohibited from acquiring or retaining any claim, permit, lease, small tract entries, or other rights that are granted by the Department in Federal lands, except for recreational or other personal and noncommercial use of Federal lands on the same terms as are available to the general public. 5 C.F.R. § 3501.103(c). SOL Employees who are in a position classified at GS-15 and above are prohibited from acquiring or holding any direct or indirect financial interest in Federal lands or resources administered or controlled by the Department, with limited exceptions. See *id.* § 3501.103(b)(ii).
- 7. Approval of Outside Employment and Activities With a Prohibited Source.** SOL Employees, other than special Government employees, must obtain written approval

from the DEO before engaging in outside employment (paid or unpaid) with a prohibited source, as defined above in this chapter. *See id.* § 3501.105(b)(1), (4)(i)-(ii). To obtain approval, employees must complete and submit to the DEO a Form DI-7010.

## **Part VII Office Management (↑)**

### **Chapter 1. Designating Acting Officials (Revised September 18, 2023)**

- 1. Temporary Absences (Fifteen or Fewer Consecutive Workdays).** A career supervisor who anticipates being on leave or otherwise absent from their duties for a period of fifteen or fewer consecutive workdays must designate a qualified employee to serve in an acting capacity during such absence. Notification of the designation must be made by the designating supervisor to their immediate supervisor, the acting employee's immediate supervisor, and the designating supervisor's subordinate personnel. The appointment may be changed at the Solicitor's discretion.
- 2. Extended Absences (More Than Fifteen Consecutive Workdays); Resignation; Incapacity.**
  - a.** Associate or Regional Solicitors must recommend to the Associate Solicitor for Administration the name of a qualified individual to serve in an acting capacity when an Assistant Solicitor, Assistant Regional Solicitor, Field Solicitor, or similar first-line supervisor is expected to be on leave or otherwise absent from their duties for more than fifteen consecutive workdays, intends to separate from employment, or is incapable of performing the duties of the office. An employee proposed for an acting supervisory position under the terms of this paragraph must currently hold a grade of GS-14 or above. The Associate Solicitor for Administration will make the selection of the acting supervisor and determine the starting date and ending date. The designation may be changed at the Solicitor's discretion.
  - b.** The Principal Deputy Solicitor will designate a qualified individual to serve in an acting capacity when an Associate or Regional Solicitor or headquarters Office Director is expected to be on leave or otherwise absent from their duties for more than fifteen consecutive workdays, intends to separate from employment, or is incapable of performing the duties of the office.
- 3. Authority of Acting Officials.** Unless limited by the Solicitor or by the provisions of the DM, SM, or other authority, an individual serving in an acting capacity has the same delegated authority under Part III of the SM as the official for whom the individual is acting.



#### **4. Temporary Promotion and Performance Recognition.**

- a. A General Schedule (GS) employee serving in an acting supervisory position for a period of 120 days or longer may receive a temporary promotion to the next higher grade level, not to exceed GS-15, provided that the employee has met the time-in-grade criteria for the temporary promotion. The Associate Solicitor for Administration may approve any such temporary promotion, subject to budgetary limitations.
- b. A General Schedule (GS) employee's service in an acting supervisory position for a period of 60 days or longer without a temporary grade promotion may, in and of itself, constitute an achievement deserving of recognition in the form of a monetary STAR award. The Associate Solicitor for Administration may approve any such award, subject to budgetary limitations.

#### **Chapter 2. Solicitor's Inquiries**

1. The Solicitor may initiate an internal inquiry into any aspect of SOL operations or may refer to the Inspector General any question or circumstance for investigation.
2. The Solicitor will appoint only senior employees in supervisory positions (GS-15 and above) to conduct internal inquiries, and in the case of an inquiry into an SOL employee, will not appoint a supervisor junior to the subject of the inquiry to conduct such inquiry.

#### **Chapter 3. Inquiries From Members of Congress and the Press**

1. **Inquiries From Congress to the Office of the Solicitor.**
  - a. **Inquiries on Departmental Legal or Policy Matters.** Employees must report to the appropriate Deputy Solicitor and the Deputy Solicitor for General Law all inquiries from Members of Congress or their staffs on Departmental legal and policy matters.
  - b. **Inquiries Regarding Meetings.** Associate and Regional Solicitors must receive approval from the appropriate Deputy Solicitor for all meetings with, or written responses to, Members of Congress or their staff.
  - c. **Inquiries Regarding Written Responses.** Associate and Regional Solicitors must coordinate proposed responses to inquiries from Members of Congress

or their staff with the appropriate client representative, the Deputy Solicitor for General Law, and the Office of Congressional and Legislative Affairs.

**2. Inquiries from Congress to Client Bureaus and Offices.**

- a. The Congressional liaison offices of client bureaus and offices are responsible for responding to inquiries from Members of Congress or their staffs.
- b. SOL supervisors who are asked by the client to assist in responding to Congressional inquiries may assist after coordinating the response with the appropriate Deputy Solicitor and the Deputy Solicitor for General Law.

**3. Written Correspondence From the Secretary to Congress.** The Solicitor must surname all written correspondence from the Secretary to a Member of Congress.

**4. Inquiries From the Press.** Press inquiries on any active, closed, or prospective legal matter must be directed to the appropriate Deputy Solicitor for coordination with the Department's Office of Communications or the appropriate client bureau or office's press affairs office. SOL employees are not authorized to give statements to the press on legal or program matters affecting the Department or any of its components without approval of the appropriate Deputy Solicitor and consultation with the Department's Office of Communications.

**5. Press Inquiries on Client Bureau and Office Program Functions.** All press inquiries concerning the program functions of client bureau or offices must be directed to the local, regional or national office of the client or to the Department's Office of Communications, as appropriate.

**Chapter 4. Cooperation With the Office of the Inspector General**

**1. Obligation to Cooperate.** All employees of the Department have an obligation to cooperate with the Office of the Inspector General (IG) as that Office fulfills responsibilities as set forth in the Inspector General Act and the DM. Inspector General Act, 5 U.S.C. Appendix – Inspector General Act of 1978, as amended; 110 DM 4, *Inspector General*; 355 DM 1, *Departmental Investigations*.

**2. Obligation to Report Violations of Law or Regulations.** All employees of the Department have an obligation to report to the Office of the Inspector General any fraud, waste, abuse, or corruption or other violations of law or regulation by employees, contractors, sub-contractors, grantees, lessees, licensees, or other persons having official business with the Department.

- 3. Exception to the Duty of Confidentiality.** The obligation to report activities described in the preceding paragraph does not conflict with a lawyer's duty to not disclose information obtained in confidence from a client because the IG effectively stands in the shoes of the Secretary under the IG Act. The rules of professional conduct for attorneys generally recognize an exception to the duty of confidentiality for disclosures of confidential information required by law. *See American Bar Association Model Rules of Professional Conduct, Rule 1.6.* Nevertheless, attorneys who report information to the IG that is protected by attorney-client privilege should consult with their supervisor, their executive manager, or their state bar counsel to ensure they are not violating the rules of professional conduct. Any attorney who reports information to the IG that is protected by the attorney-client privilege should identify the privileged information to the IG to assist the IG in working with the Department to protect the privilege to the greatest extent possible.
- 4. Questions Regarding IG Cooperation.** Any questions SOL employees may have regarding cooperation with the IG should be referred to the Deputy Solicitor for General Law, who serves as SOL liaison to the IG.

## **Chapter 5. Responding to Freedom of Information Act Requests (New September 18, 2023)**

- 1. Access to Federal Records.** The Freedom of Information Act, 5 U.S.C. § 552 and 43 C.F.R. Part 2 (FOIA), generally provides that any person has the right to request access to Federal agency records or information except to the extent that the records are protected from disclosure by any of the nine exemptions contained in the law. Any Federal records created or maintained by SOL employees may be responsive to a FOIA request.
- 2. Coordination with the FOIA Processing Team.** The Division of Administration, FOIA Processing Team, is responsible for processing responses to requests for records existing within SOL. To ensure compliance with FOIA, SOL employees may be requested by the FOIA Processing Team to search for records within their possession. Upon request by the FOIA Processing Team, an SOL employee is expected to assist with all aspects of the FOIA request, including, but not limited to, intake, scope, search, document review, redaction of exempt materials, and document production. Employees should not contact the external FOIA requester directly without prior authorization by the SOL FOIA Officer.
- 3. Timeline for Response.** If you have been identified as a potential records custodian, you must respond to an inquiry by the FOIA Processing Team within five business days with the following information:

- a. Whether you have responsive records;
- b. Whether you are aware of other custodians who may have responsive records;
- c. The estimated volume of your responsive records; and
- d. The anticipated time to complete the search request and produce the responsive documents to the FOIA Processing Team.

If you believe you have mistakenly received the search request, you should notify SOL FOIA immediately.

- 4. Conducting a Records Search.** SOL personnel should begin the search for responsive documents upon receipt of a FOIA search request. Timely searches will support getting a response to the requester within the deadline set by statute, typically 20 business days. Personnel are obligated under FOIA to conduct a reasonable search for responsive records, including all paper records, electronic records, emails, and other forms of electronic messages. Once the search is completed, employees are responsible for reviewing the search results for responsive records and submitting a search control form to the FOIA Processing Team along with a copy of the collected responsive records.
- 5. Legal Review.** The FOIA Processing Team will consult with the Division of General Law, Branch of General Legal Services, before it grants an expedited processing request, denies a fee waiver request, or withholds all or part of a requested record, unless the Departmental FOIA Office has expressly preapproved such a withholding.

## **Chapter 6. Authorized Technology Systems (Revised September 18, 2023)**

### **1. Contingent Liability System (CLS).**

- a. The Contingent Liability System (CLS) is the authorized system for Office of the Solicitor employees to report and track the legal matters that support the contingent legal liabilities reported in the Department's financial statements. The Department's [Revised Contingent Liability Reporting Guidance](#) and SOL's [General Policy and Guidelines for Providing Information to Auditors Relating to Contingent Liabilities](#) (Feb. 24, 2012) require attorneys, attorney supervisors, and Associate and Regional Solicitors to ensure the accuracy of all entries in CLS while preserving attorney-client and attorney work-product privileges. Attorneys are required to update matters in accordance with the American Bar Association's [Statement of Policy Regarding Lawyers' Responses to Auditors'](#)

[Requests for Information](#), the instructions provided by the CLS manager in the Division of Administration, and the reporting deadlines on the CLS Schedule. For additional information relevant to this system, see the [CLS website](#).

- b. Access to matters in CLS is segregated by divisions at Headquarters and regional and field office locations. Only attorneys specifically assigned to a matter or assigned to the same organizational unit as the matter may modify the relevant information. Associate and Regional Solicitors have access to review and modify all matters under their supervision. Associate and Regional Solicitors provide signed certifications confirming the accuracy of their division or region's matters in accordance with the reporting deadlines on the CLS Schedule.

## **2. Data Tracking System (DTS).**

- a. The Data Tracking System ([DTS](#)) is the system authorized for Office of the Solicitor employees for managing correspondence. Providing the ability to collaboratively share and track edits in documents among Headquarters and regional and field offices, DTS is an active workflow repository for SOL personnel. It is used to route, review, edit, collaborate, and surname or sign letters, memoranda, and legal opinions within the Office of the Solicitor. DTS works in conjunction with the SOLIS case and matter tracking system. To avoid duplicative processes, once a DTS matter is entered into SOLIS and the SOLIS number is documented in the DTS system, the matter should be closed by the responding office in DTS. Additional information on use of DTS may be found in the [DTS User Manual](#).
- b. DTS is not an official recordkeeping repository. Final versions of SOL records that are in DTS should be downloaded and saved in an agency authorized recordkeeping system, *i.e.*, a shared network drive, SharePoint, or eERDMS' Enterprise Content System (ECS). All SOL personnel should work with their assigned DTS Administrator to ensure records are properly captured and preserved.

## **3. Timekeeping System (Quicktime).**

- a. The [Quicktime](#) system is the authorized system for Office of the Solicitor employees to report time and attendance and to request leave. The system also is used to report pre-approved time worked in excess of a normal schedule. Information on use of this system is available on the [IBC website](#).

- b. Employees are expected to specify the time reported for work in support of a specific client bureau or office, area of law, and function. Time may be reported in increments as small as 15 minutes. FAV keys are assigned to each employee by the Quicktime administrator in the Division of Administration based on their areas of focus and FAV keys assigned in their SOL component. Employees and their Timekeeper are provided a [FAV key reference](#) to support easier reporting.
- c. Employees are required to submit and verify their Time and Attendance (T&A) at the conclusion of each two-week pay period. Once verified by the employee, the employee's designated Timekeepers validates the T&A after checking the approval of leave, the proper use of holiday or administrative leave based on the work schedule, and the proper use of hour and FAV key combinations. Following validation, certification by the employee's supervisor, including a determination that the reported information is consistent with the supervisor's understanding of the employee's work schedule and tasks performed, must be completed within the time period indicated by the Quicktime administrator. Issues and errors should be addressed prior to validating and certifying time is accurate. Delay in any stage of these procedures could result in delayed issuance of the employee's pay.

#### **4. Travel System (Concur).**

- a. The [Concur](#) system is the authorized system for Office of the Solicitor employees to request and receive approval to conduct temporary duty (TDY) travel and to submit a voucher for expenses incurred, in accordance with federal travel regulations, the [Department's travel guidance](#), SOL guidance, and their supervisor's instructions.
- b. All travel by an SOL employee must be preceded by a valid travel authorization that accurately describes the traveler's duty station, geographic area authorized to travel, confirms that the requested mode of travel has been determined to be beneficial to the Government, and provides any other relevant information. Most travel is authorized trip-by-trip, such as travel to training, conferences, foreign countries, and travel paid by non-Federal sources. Depending on the traveler's position, the frequency of travel and the type of trip, blanket authorizations may cover all travel for a set period of time (e.g., the entire fiscal year or a 90-day period) or all travel within a geographic area.

- c. Travelers must obtain a Government travel charge card to pay for official travel expenses such as transportation, lodging, and car rental costs. The card should also be used whenever practicable for other official travel expenses such as taxis and parking. The use of the travel charge card for items that are centrally billed (such as transportation tickets, lodging, and rental cars) should be limited to expenses reimbursable under the Federal Travel Regulations.
- d. Travelers must submit a complete and accurate travel voucher, using Concur, within five working days after completion of the trip or after each 30-day segment of extended temporary duty travel. The voucher must accurately report each component of the travel and must be certified by the traveler that the information included in the voucher is correct to the best of their knowledge. The traveler is liable for any overpayments resulting from certifying an incorrect voucher. Following certification by the traveler and within five days of notification, the traveler's supervisor must carefully review the voucher and indicate in Concur if the voucher is approved for payment. Delay in this process by the traveler or supervisor should be avoided as it may lead to additional monetary obligations for the Office of the Solicitor.

#### **5. Case/Matter Tracking System (SOLIS).**

- a. The Office of the Solicitor Information System ([SOLIS](#)) is the authorized Office of the Solicitor system for tracking all litigation and significant matters. The system is intended to improve the internal management of litigation and client counseling conducted by the Office. SOLIS enables the Office to collect, manage, retain, and analyze information and allows the Office to accurately track the status and handling of: (a) active or reasonably anticipated litigation in which the Department or its officers are, or may become, involved; (b) requests by the Secretary, other Department officials, or client bureaus and offices for legal opinions; (c) administrative decisions issued by the Office; and (d) other significant projects. SOLIS also provides the Office the ability to comply with its statutory, regulatory, and executive reporting requirements promptly and accurately.
- b. All attorneys, attorney supervisors, and Associate and Regional Solicitors are required to ensure SOLIS records are kept updated, accurate, and in accordance with the [SOLIS User Reference Manual](#). All employees must periodically certify the accuracy of records for cases and matters assigned to them or under their supervision in a manner established by the Division of Administration.

- c. Access to records in SOLIS is segregated by division and region and through the use of designated security groups for the Departmental Ethics Office, the Employment and Labor Law Unit, and the Torts Practice Branch. Only attorneys specifically assigned to a record or assigned to the same organizational unit as the record may make modifications. Associate and Regional Solicitors have access to review and modify all records for cases and matters under their supervision. Requests for additional restrictions on access to a record may be submitted to the Associate Solicitor for Administration.
- d. All SOL employees are required to attend training on the use of SOLIS in a format and on a schedule established by the Division of Administration. Video training and other information on use of this system are available on the [SOLIS Case/Matter Tracking System SharePoint site](#).

#### **6. Legal Hold Notice System (Legal Hold Pro).**

- a. The [Legal Hold Pro](#) system is the authorized Office of the Solicitor system for distributing and tracking litigation hold requests that enable attorneys to manage the Department's preservation obligations quickly and efficiently. The system allows attorneys to draft and distribute template-based, customizable hold notices, and it reduces staff workloads by tracking custodians' acknowledgments and responses. It simplifies the process for acknowledging receipt of hold notes, and automatically transmits periodic acknowledgment and preservation reminders to custodians. The system provides Department staff with a unified, searchable list of custodians, and it facilitates the selective preservation of data stored in centralized systems such as the Department's Email, Enterprise Records, and Document Management System (eERDMS) and the Department's BisonConnect M365 email and collaboration system.
- b. Attorneys, attorney supervisors, and Associate and Regional Solicitors are required to ensure the regular and consistent use of the system and the accuracy of all legal holds on matters assigned to them. Attorneys are required to update holds in accordance with the Division of Administration's Legal Hold Pro user reference materials and the training provided by the Division of Administration. Information on training and use of the system is available on the [Legal Hold Pro System SharePoint site](#).
- c. Access to legal holds in Legal Hold Pro is segregated by attorney and case team. Only attorneys specifically assigned to a hold may make modifications. By request to the Division of Administration, Associate and Regional



Solicitors will be granted access to the holds issued by the members of their division or region.

## **Chapter 7. Privacy Training**

1. SOL is responsible for ensuring the ongoing security and confidentiality of the records it maintains in systems that are subject to the Privacy Act of 1974 (codified as amended at 5 U.S.C. § 552a). The Department possesses Personally Identifiable Information (PII) both inside and outside of systems subject to the Privacy Act. PII can be extremely valuable to malicious actors, and the primarily virtual nature of this threat creates substantial privacy risks and presents significant challenges.
2. All SOL employees, contractors, interns, and individuals detailed to SOL for 180 days or longer are required to complete a mandatory SOL privacy training course annually and to certify that they have attended or viewed such training.
3. The Division of Administration in consultation with the Departmental Privacy Office is responsible for developing or otherwise identifying appropriate training to meet the training requirement set forth in this chapter. The annual, one-hour training will help ensure that all SOL personnel understand the role they play in protecting PII and their duty to report suspected or confirmed breaches of information.

## **Chapter 8. Records Management (New September 18, 2023)**

1. **Compliance with Federal Records Act.** All SOL employees are responsible for ensuring Office records that document the Department's business are managed in accordance with the Federal Records Act, 44 U.S.C. Chapters 29, 31, and 33, and corresponding regulations that establish recordkeeping requirements governing Federal agencies' maintenance, storage, and disposition of records.
2. **Records Management Training.**
  - a. All SOL personnel are required to complete a one-hour Records Management training course every two years.
  - b. The Division of Administration is responsible for developing or otherwise identifying appropriate training to meet the requirement set forth in this chapter. The training should be designed to help ensure that all SOL personnel understand their obligation to maintain good recordkeeping practices.

- 3. Designation of Records Liaisons.** SOL managers of each division, headquarters office, regional office, and field office must designate two records liaisons within their office to assist with records management responsibilities.
- a. The records liaisons will serve in the roles of Records Custodian and Records Subject Matter Expert and will perform the functions necessary to maintain an effective and efficient records program. The designation of records liaisons will help to ensure that the Office maintains an effective and compliant records program in accordance with the regulatory and departmental policies that govern records management responsibilities. 36 C.F.R. § 1220.34.
  - b. The Records Custodian will assist the supervisor and staff with the administration of records-related requirements within the office component, including creating or maintaining an updated file plan, and organizing, storing, and dispositioning records.
  - c. The Records Subject Matter Expert will have general expertise regarding the types of records managed by the office component, and will assist with the classification of records, non-records, and personal papers, and identifying the appropriate disposition authority for Federal records.

## **Chapter 9. Administrative Record Services**

1. Through a reimbursable agreement, the U.S. Department of Justice, Environment and Natural Resources Division (ENRD), provides administrative record services to the Department of the Interior. Such services support the compilation of administrative records for anticipated or ongoing litigation, including, but not limited to, the collection of documents that may be appropriate to include in an administrative record, the ingestion of these potentially relevant documents into ENRD's document review and production system, the creation and storage of a review workspace in that system, the provision of user licenses to document reviewers, the training and support of document reviewers, and the final production of a redacted and indexed administrative record.
2. SOL serves as the point of contact for the Department for all administrative record service requests submitted to ENRD. Any request for administrative record services must be submitted to ENRD through the assigned SOL attorney who, in turn, will seek authorization from the attorney's immediate supervisor. The authorizing supervisor must review the request to ensure that it is necessary and proper in scope. The

assigned SOL attorney should counsel the bureau(s) of its responsibility for costs under any reimbursable agreement with ENRD for administrative record services.

3. All requests for administrative record services submitted to ENRD must include the following information:
  - a. The name of the case, matter, or project;
  - b. The name of the court in which each case is being litigated and the court docket number, if any;
  - c. The name of the SOL attorney who submitted the request and the name of the attorney's authorizing supervisor; and
  - d. The name(s) of the DOI bureau(s) for which each service is requested.

#### **Chapter 10. Government Furnished Equipment (Revised September 18, 2023)**

1. Government furnished equipment (GFE) is defined as IT equipment that is owned by the Government and assigned to an employee for authorized purposes. The GFE provided to the employee is determined by the Division of Administration (DAD) in consultation with the Office of the Chief Information Officer. All GFE purchases and allocations in SOL must be authorized by DAD.
2. All GFE issued by SOL is managed centrally by DAD. The DAD Finance and Administrative Services (FAS) Team directs all selections and purchases of GFE inventory, as well as maintenance and repair, and determines the schedule for upgrades and replacements. Custodial Property Officers (CPO) maintain property accountability within their assigned division or region and are responsible for reporting on all assigned equipment upon request by the FAS Team.
3. Employees requiring specialized GFE to address a physical or other condition should submit their request in writing to the SOL-HR Team.
4. To request a mobile device, an employee should submit SOL Form 40, [Request for Government Issued Mobile Device](#), including a justification explaining the need for a mobile device, as well as a signature by their supervisor indicating support of the request, to the FAS Team.

5. SOL employees are responsible for:
- a. Securing and protecting their GFE, including securely storing the employee's Personally Identifiable Verification (PIV) card separately from GFE when the GFE is not in use;
  - b. Maintaining GFE properly to ensure functionality and security, including performing software updates as directed and, upon request, returning the GFE to the employee's official worksite or other location;
  - c. Ensuring that issued GFE intended for mobile use (*e.g.*, for use at both the employee's official worksite and the employee's approved teleworking site) is transported by the employee to the appropriate location for use, as needed. Failure to have the necessary GFE available to perform work duties may require the employee to request appropriate paid leave, paid time off, or leave without pay; and
  - d. If GFE is lost, stolen, damaged or destroyed:
    - i. Promptly notifying their division or region's custodial property officer and the SOL Property Officer; and
    - ii. Cooperating fully with any reasonable inquiry and promptly responding to a reasonable request for information or documentation.
  - e. If GFE is lost, stolen, damaged or destroyed, the SOL Survey Officer in DAD will evaluate the circumstances leading to the loss, theft, damage, or destruction and determine if the employee has acted negligently, consistent with the Department of the Interior Acquisition, Assistance, and Asset Policy. A finding by the Survey Officer of negligence may result in a direction to the employee to reimburse SOL for the value of the lost, stolen, or destroyed GFE or for the repair cost of the damaged GFE, consistent with applicable law. The Reviewing Authority for any determination by the Survey Officer is the Deputy Director for Administration Operations and Planning, DAD.

## **Chapter 11. Discretionary Spending by Divisions and Regions (New September 18, 2023)**

### **1. Annual Financial Plan.**

- a. The SOL Annual Financial Plan (AFP) allocates funds to divisions and regions for their discretionary use to cover the annual cost of employee travel, training,

awards, supplies, shipping, publications, equipment, furnishings, and other expenses authorized by the Division of Administration (DAD).

- b. The AFP is determined by the Associate Solicitor of Administration in consultation with the SOL Budget Officer after reviewing projected budgetary conditions and anticipated Office requirements. Allocations to each division and region are calculated based on the number of approved positions in each division or region. An additional allocation is provided to regional offices to offset the cost of supporting Headquarters staff with an assigned duty station in regional or field office space.
- c. AFP funding is allocated according to several budget categories (i.e., budget object classes or BOC). Upon request by the division or region, funds may be reallocated to a different budget object class, except that funds allocated to awards (BOC category 11) may not be reallocated.
- d. DAD is responsible for providing each division and region a monthly report identifying all AFP expenditures, by BOC, incurred by the division or region.

**2. Centrally Funded Expenses.** The following expenses are centrally funded and managed by DAD and may not be funded by a division or region's AFP allocation:

- a. Standard-issue IT equipment as determined by DAD in consultation with the Office of the Chief Information Officer (OCIO), including laptop computers, monitors, printers, scanners, and other designated peripheral equipment assigned to an employee;
- b. Mobile devices as authorized by DAD, including mobile telephones and tablets, and data plans;
- c. Office networked equipment, including high-speed printers/copiers/scanners;
- d. Copier maintenance, including purchase of copy machine toner;
- e. USPS meter leasing and postage;
- f. SOL Office landline charges;
- g. Professional liability insurance; and
- h. Monetary awards funded by non-AFP allocations, including Solicitor Excellence Awards.

### **3. Acquisition of IT Equipment.**

- a. All IT equipment, including any peripheral equipment with data storage capability, acquired by divisions or regions, whether purchased or otherwise obtained, must be authorized by DAD. DAD is responsible for obtaining any necessary authorization from the OCIO to the extent required by law, regulation, or Department policy. *See VII SM 10.*
- b. Requests for authorization to acquire IT equipment, whether to be purchased or otherwise obtained, including any peripheral equipment with data storage capability, must be submitted in writing to the DAD Finance and Administrative Services (FAS) Team prior to purchase.
- c. Minor peripheral equipment without data storage capability (e.g., keyboard, mouse) or external data storage device may be purchased using AFP funds but must be approved prior to purchase by the FAS Team. Any purchased external data storage device must be encrypted with the assistance of the FAS Team prior to use.

### **4. Employee Training.**

- a. SOL strives to ensure that each of its employees receives training necessary for the successful performance of their jobs. Supervisors are encouraged to identify training opportunities that would be beneficial to their employees, while recognizing the budgetary limitations of the Office.
- b. Training in a conference setting additionally provides opportunity for sharing information among attendees, collaborative problem solving, and team building. For the purpose of this chapter, “Conference” is defined as a “meeting, retreat, seminar, symposium or event that involves attendee travel,” 41 C.F.R. § 300-3.1.” The term “conference” also applies to training activities that are considered to be conferences under 5 C.F.R. § 410.404. *See also* Financial Management Handbook, [Chapter 13](#).
- c. While fully recognizing these benefits, SOL and the Department are obligated to practice prudent financial management. In accordance with [Departmental policy for approving and reporting conference spending](#), all SOL employees attending a conference are required to submit a [Conference Attendance Approval Form](#). All employees must exercise sound judgment when booking travel and other accommodations related to conference attendance.

**5. Client Funding of Discretionary Expenses.**

- a. SOL receives an annual appropriation that is intended to fund all “necessary expenses,” including those expenses authorized in the AFP, for its employees whose salaries are funded through the appropriation. SOL additionally receives funding for AFP expenses from the payment of “indirect costs” by client bureaus and offices that fund SOL employee services through reimbursable agreements or other means.
- b. Generally, client bureaus and offices may not provide funding for expenses that otherwise should be funded by a division or region’s AFP, except that which is provided as part of indirect costs associated with the funding of an FTE.
- c. A request to accept client funding for travel or other expenses that otherwise would be funded by a division or region’s AFP must be submitted in writing to the SOL Budget Officer at least five business days prior to incurring the expense.

**6. Client Funding of Travel-Related Expenses.**

- a. Funding for travel expenses related to litigation or other core SOL functions is paid from the SOL appropriation and may not be paid by a client bureau or office, except when such expenditures are expressly authorized by law.
- b. Travel requested by a client bureau or office for a purpose other than litigation or other core SOL function may be funded by the requesting client bureau or office. For the purpose of this chapter, travel necessary to provide training to client personnel, to attend a client meeting regarding matters other than pending litigation, to attend a non-litigation meeting with a third-party on behalf of the client, or for a similar purpose is not considered a core SOL function.
- c. Funding for travel expenses related to training generally is considered an expense that should be incurred by SOL and that may not be paid by a client bureau or office, except when the SOL employee’s attendance is requested by the client bureau to serve as a speaker, facilitator, or similar role. *See VI SM 1(5).*

**7. SOL Division and Region AFP Responsibilities.**

**a. Associate and Regional Solicitors.**

- i. Any expenditure of funds from the AFP must be authorized by the Associate or Regional Solicitor or an individual delegated by the Associate or Regional Solicitor.

- ii. Associate and Regional Solicitors must ensure that their division or region's annual expenditures do not exceed the division or region's allotted AFP level.

**b. Administrative Support Personnel.** Division and region administrative support personnel must:

- i. Promptly provide to the DAD Budget Team completed vouchers for client funded travel to ensure obligations listed in the travel voucher are billed to the client; and
- ii. Notify the DAD Budget Team if they wish to reallocate funding within the AFP budget object classes and correct object class designations of expenditures.

**8. Requests to Increase AFP.**

- a. A division or region with a unique or unanticipated funding requirement may request an increase to their AFP. Requests should be submitted in writing to the SOL Budget Officer and specify the reason for the requested additional funding and the amount required.
- b. When a division or region's AFP is insufficient to meet the training needs of its employees, a request for additional training funding may be submitted in writing to the SOL Budget Officer.
- c. AFP allocations for awards are determined on an Officewide basis and must comply with award spending limits established by the Office of Personnel Management and the Office of Management and Budget. Requests to increase award allocations, which must be submitted to the Associate Solicitor for Administration, generally will not be considered unless exceptional circumstances exist.

**Chapter 12. Alcohol in the Workplace (New September 18, 2023)**

- 1. Policy.** Consistent with 310 DM 13, the use of alcoholic beverages within an SOL controlled workplace is prohibited, except with proper authorization. Management officials at the GS-15 or higher level may request authorization for the use of alcoholic beverages at a scheduled event in the workplace by requesting an exemption.



## **2. Procedure for Requesting an Alcohol Exemption.**

### **a. Regional and Field Office Locations.**

- i. Management officials at the GS-15 or higher level seeking authorization for the use of alcohol in an SOL regional or field office location must complete and submit SOL Form 31, [Alcoholic Beverage Authorization Form](#), at least one week prior to the scheduled event. The completed form should be submitted by email to the Finance and Administrative Services (FAS) Team in the Division of Administration.
- ii. The Associate Solicitor for Administration is designated as the approving official for a request for the use of alcohol within regional or field office workspace. The FAS Team will notify the requesting management official once a decision is made.

### **b. Stewart Lee Udall Department of the Interior Building (MIB).**

- i. Management officials at the GS-15 or higher level will follow the procedures set forth in [310 DM 13](#) when seeking to hold an event within MIB at which the use of alcohol is requested. In accordance with 310 DM 13.4, the Director, Office of Facilities and Administrative Services (OFAS), serves as the approving official for a request for the use of alcohol within MIB.
- ii. Management officials must complete and submit Form DI 6003, *Alcoholic Beverage Authorization*, at least one week prior to the scheduled event. The completed form should be submitted by email to the FAS Team in the Division of Administration.
- iii. The FAS Team will be responsible for submitting the form to OFAS for review and approval and will notify the requesting SOL supervisor once a decision is made.

## Appendix I

	AKR	IMR	NER	PNW	PSW	RMR	SER	SWR
AL							All	
AK	<b>Metlakatla:</b> All (ex. BIA, OSMRE) <b>Rest of state:</b> All (ex. OSMRE)			<b>Metlakatla:</b> BIA		OSMRE		
AZ		<b>Navajo Res.:</b> BLM, BOR <b>Glen Canyon NRA:</b> All <b>Pipe Spring NM:</b> All (ex. NPS concessions); <b>Rest of state:</b> All (ex. FWS, NPS, OSMRE)			<b>Grand Canyon-Parashant NM:</b> All	OSMRE, NPS concessions		<b>Navajo Res.:</b> All (ex. BLM, BOR) <b>Rest of state:</b> FWS, NPS (ex. Glen Canyon NRA, Grand Canyon-Parashant NM, Pipe Spring NM, concessions)
AR						NPS	BIA, FWS, OSMRE, USGS	

	AKR	IMR	NER	PNW	PSW	RMR	SER	SWR
CA		Lower Colorado Basin: BOR			Lower Colorado Basin: All (ex. BOR, OSMRE) Rest of state: All (ex. OSMRE)	OSMRE		
CO		Upper Colorado Basin West of Cont. Div.: BOR				Upper Colorado Basin West of Cont. Div.: All (ex. BOR, BIA) Rest of state: All (ex. BIA)		BIA
CT			All (ex. BIA)				BIA	
DE			All (ex. BIA)				BIA	
FL							All	
GA							All	
HI				FWS	NPS, USGS			
ID				All (ex. OSMRE)		OSMRE		
IL			All (ex. NPS, OSMRE)			NPS	OSMRE	

	<b>AKR</b>	<b>IMR</b>	<b>NER</b>	<b>PNW</b>	<b>PSW</b>	<b>RMR</b>	<b>SER</b>	<b>SWR</b>
<b>IN</b>			All (ex. BIA, NPS, OSMRE)			NPS	BIA, OSMRE	
<b>IA</b>			All (ex. NPS, OSMRE)			NPS	OSMRE	
<b>KS</b>						BOR, FWS, NPS	OSMRE	BIA, BLM
<b>KY</b>							All	
<b>LA</b>							All	
<b>ME</b>			All (ex. BIA)				BIA	
<b>MD</b>			All (ex. BIA)				BIA	
<b>MA</b>			All (ex. BIA)				BIA	
<b>MI</b>			All (ex. NPS)			NPS		
<b>MN</b>			All (ex. NPS)			NPS		
<b>MS</b>							All	
<b>MO</b>			FWS, BLM			NPS	OSMRE, USGS	

	AKR	IMR	NER	PNW	PSW	RMR	SER	SWR
MT				Flathead Res.: BIA Big Hole Nat'l Battlefield: NPS		Flathead Res.: All (ex. BIA) Big Hole Nat'l Battlefield: All (ex. NPS) Rest of state: All		
NE			BIA			All (ex. BIA)		
NV		Lower Colorado Basin: BOR Rest of state: BIA			Lower Colorado Basin: All (ex. BOR) Rest of state: All (ex. BIA)			
NH			All (ex. BIA)				BIA	
NJ			All (ex. BIA)				BIA	
NM		BOR (shared w/SWR)				OSMRE, NPS concessions		All (ex. OSMRE, NPS concessions); BOR (shared w/IMR)
NY			All (ex. BIA)				BIA	
NC							All	

	AKR	IMR	NER	PNW	PSW	RMR	SER	SWR
ND			BIA			All (ex. BIA)		
OH			All (ex. BIA, NPS)			NPS	BIA	
OK						BOR, NPS concessions	OSMRE	All (ex. BOR, OSMRE, NPS concessions)
OR				<b>Klamath Basin:</b> All (ex. BOR, FWS, OSMRE) <b>Rest of state:</b> All (ex. OSMRE)	<b>Klamath Basin:</b> BOR, FWS	OSMRE		
PA			All (ex. BIA)				BIA	
RI			All (ex. BIA)				BIA	
SC							All	
SD			BIA			All (ex. BIA)		
TN							All	

	AKR	IMR	NER	PNW	PSW	RMR	SER	SWR
TX		West of Pecos River: BOR (shared w/ SWR)				East of Pecos River: BOR, NPS concessions Rest of state: NPS concessions	OSMRE	West of Pecos River: BOR (shared w/ IMR) Rest of state: All (ex. OSMRE, BOR, NPS concessions)
UT		Navajo Res.: BLM Rest of state: All (ex. FWS, NPS concessions, OSMRE)				Rest of state: FWS, NPS concessions, OSMRE		Navajo Res.: All (ex. BLM)
VT			All (ex. BIA)				BIA	
VA			All (ex. BIA, BLM, OSMRE)				BIA, BLM, OSMRE	
WA				All (ex. OSMRE)		OSMRE		
WV			All (ex. BIA)				BIA	
WI			All (ex. NPS)			NPS		

	AKR	IMR	NER	PNW	PSW	RMR	SER	SWR
WY		Upper Colorado Basin: BOR				Upper Colorado Basin: All (ex. BOR) Rest of state: All		
PR							All	
VI							All	
Guam N. Mar. A. Sam.				FWS	NPS, USGS			
Nat'l						ONRR, AVSO		