

MEMORANDUM

TO: The Inspector General

FROM: The Secretary

SUBJECT: Litigation involving Office of Inspector General (OIG) employees or applicants before the Equal Employment Opportunity Commission (EEOC), Merit Systems Protection Board (MSPB) and in Federal courts

I. DELEGATION

By the authority vested in me by section 412 of the Department of Education Organization Act, 20 U.S.C. § 3472, I hereby delegate to you, or anyone serving for you in an acting capacity, the authority to conduct and coordinate litigation activities on personnel and equal employment opportunity matters which exclusively involve OIG employees or applicants to the OIG, that do not affect any cross-cutting or important Departmental interests, as determined by you and the General Counsel or anyone serving in an acting capacity (consistent with the Federal Vacancies Reform Act) for the General Counsel or you. This authority includes the authority to represent the Secretary of the U.S. Department of Education (ED) and ED before the Equal Employment Opportunity Commission (EEOC), the Merit Systems Protection Board (MSPB), and in Federal courts in complaints and/or appeals filed against ED by employees of, or applicants for employment within, ED's Office of Inspector General (OIG) and settlement authority with respect to such cases.

In exercising the authority granted herein, the Inspector General shall promptly notify the Office of the General Counsel's Assistant General Counsel for the Division of Business and Administrative Law (DBAL), anyone acting for him/her, and/or his/her designee, of the filing of any complaint or appeal covered by this delegation of authority and shall provide a detailed summary of such action, including, but not limited to, the claims asserted, the relief demanded, and applicable defenses. Such notification shall also highlight any matters that the Inspector General believes raise cross-cutting or important factual or legal issues or otherwise implicate an important Departmental interest. The Inspector General shall also promptly notify the Office of the General Counsel's Assistant General Counsel for DBAL, anyone acting for him/her, and/or his/her designee of any significant developments in the matters covered by this delegation of authority, including, but not limited to: (1) proposed settlements; (2) dismissals; (3) initial and final decisions; and (4) appeals. In exercising the authority granted, the Inspector General shall provide the Office of the General Counsel's Assistant General Counsel for DBAL, and the General Counsel and anyone acting for them, and their designees with a meaningful opportunity (for example, including a reasonable time for review and comment before final action is taken on a settlement) to provide any comment or review of the matters covered by this delegation that the Office of the General Counsel deems necessary to carrying out its functions and duties as the Department's legal advisor. The Office of the

General Counsel's Assistant General Counsel for DBAL will provide to the Assistant Secretary of Management for review and comment a copy of any proposed settlement agreement that involves equal employment opportunity matters. Notwithstanding delegation EA/EM/271 to the Assistant Secretary of Management and/or redelegations of such authority (e.g., ED/EMO/323), the authority to approve and sign settlement agreements involving OIG employees or applicants rests with the Inspector General.

Unless otherwise noted in future delegations of authority, amendments to the existing authorities delegated herein are included within the scope of this delegation.

II. RESERVATIONS

Unless otherwise noted in existing or future delegations of authority, the following is not delegated:

Authority to provide legal advice to the Secretary on matters covered by this delegation of authority.

III. REDELEGATION

Except as otherwise provided in this delegation or future delegations of authority, redelegation of the authority provided herein is limited to the Counsel to the Inspector General and his/her legal staff.

IV. CERTIFICATION AND EFFECTIVE DATE

This delegation is effective upon certification by the Department's Principal Delegations Control Officer.

-S-

Arne Duncan

Certification Date: 9/14/11
Certified By: Bruce Monblatt
Control Number: EA/EF/195