

THE SECRETARY OF THE INTERIOR  
Washington

ORDER NO. 3268, Amendment No. 2 (*Amended material italicized*)

SIGNATURE DATE: January 16, 2009

Subject: Creation of the Conduct Accountability Board at the Department of the Interior

**Sec. 1 Purpose.** This Order creates the Conduct Accountability Board (Board) in the Department of the Interior (Department). The purposes of the Board are to:

- a. Enhance and ensure consistency in the management of conduct involving career and non-career Executive Level employees (PAS, SES, SL, and ST);
- b. Facilitate fairness in the management of conduct for Executive Level employees;
- c. Review and reconcile ambiguous, conflicting or deficient information pertaining to such matters;
- d. Strengthen conduct accountability involving Executive Level employees; and
- e. Consider and reconcile differing views offered by Departmental senior management and/or the Office of Inspector General (OIG) regarding the conduct reported or the appropriateness of draft proposed disciplinary actions or related determinations.

**Sec. 2 Authority.** This Order is issued under the authority provided under Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended.

**Sec. 3 Organization and Structure of the Board.** The Board shall be organized within the Immediate Office of the Secretary. It shall consist of three (3) members, all Executive Level employees of the Department, to be designated by the Secretary. A majority of the members of the Board shall be career employees. The Board shall be chaired by a Presidential appointee designated by the Secretary. The Secretary may designate alternate members in the event a sitting member is unable to participate. All members serve at the pleasure of the Secretary.

**Sec. 4 General Responsibility and Functions.**

- a. The Board will review all draft proposed disciplinary actions and determinations referred to it by the Deputy Secretary and Chief of Staff, including decisions not to propose disciplinary action, involving the conduct of Executive Level employees, including those matters arising out of OIG reports or Bureau or Departmental management. The Board will assure that such action is consistent with Departmental guidance, adequate to address the facts giving rise to the matter, fair as compared to other similar matters, and supported by a complete record.

- b. To assist in its review, the Board may:
  - (1) Request clarifying information from the OIG, including possible further investigation by the OIG, or from the Bureau or Departmental office involved;
  - (2) Request that any employee of the Department provide information or professional opinion regarding the subject of inquiry; and
  - (3) Request that a bureau or office provide staff assistance, documents, and resources as may be necessary to complete the Board's review.
- c. Upon completion of its review, the Board may:
  - (1) Concur with the draft proposed disciplinary action or determination not to propose disciplinary action;
  - (2) Remand the draft proposed disciplinary action or determination to the initiating office for further preparation or revision; or
  - (3) Elevate the draft proposed disciplinary action or determination to the Office of the Secretary for resolution.

**Sec. 5 Compliance with Requests of the Board.** Bureaus, offices and employees shall expeditiously comply with requests of the Board.

**Sec. 6 Meetings.** The Board shall meet at the call of the Chair.

**Sec. 7 Findings of the Board.**

- a. The Board shall notify the appropriate management officials and the Secretary of its determination.
- b. The Board shall attempt to achieve consensus in reaching its conclusions, but any member of the Board may provide an independent opinion.

**Sec. 8 Taking Disciplinary Actions.**

- a. The initiating office is responsible for all steps needed to implement the disciplinary action considered.
- b. The initiating office is responsible for consulting the Board in advance if the office decides to materially reduce the penalty from the draft proposed penalty considered by the Board.

Sec. 9 **Implementation.** The Assistant Secretary - Policy, Management and Budget will effect the assignment of personnel and funds as may be necessary to implement the provisions of this Order. The Chair shall develop written procedures by which it will operate.

Sec. 10 **Expiration Date.** This Order is effective immediately. It shall remain in effect until its provisions are converted into the Departmental Manual, or until it is amended, superseded, or revoked, whichever occurs first. In the absence of any of the foregoing actions, the provisions of this Order will terminate and be considered obsolete on *September 30, 2009*.

/s/ DIRK KEMPTHORNE  
Secretary of the Interior

SO#3268A2 1/16/09  
Replaces SO#3268A1 7/25/07  
Replaces SO#3268 11/28/06

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