

II. Program-Specific Recovery Plan for Recovery.gov (Q 2.8 of Guidance)	
DOL Agency MAX ID and name: Solicitor of Labor	
Recovery Program: Office of the Solicitor (SOL)	
Does this program align with an existing CFDA program?	N/A
1. Objectives:	
Program Purpose	SOL's mission is to meet the legal service demands of the entire Department of Labor. As the Secretary of Labor and other Department officials seek to accomplish the Department's overall mission and to further specific priorities, SOL provides legal services and advice regarding how to achieve those goals. In doing so, SOL ensures that the Nation's labor laws are forcefully and fairly applied to protect the Nation's workers.
Public Benefits	As SOL provides the full range of legal support for DOL agencies, SOL activities assist in providing the public benefits available as a result of all activities by all DOL programs. By providing the legal advice necessary to implement DOL's authority and responsibility under the Recovery Act, as well as by representing the Department's enforcement agencies in litigation and in preparing for such litigation, SOL helps ensure that worker protection laws are fairly and vigorously enforced and that Recovery Act activities are carried out with appropriate oversight and coordination.
2. Projects and Activities:	
Kinds and scope of projects and activities to be performed	Under the Recovery Act, SOL will provide the legal advice necessary to assist DOL agencies in implementing all aspects of the Recovery Act, including enforcement of worker protections, oversight and coordination related to the infrastructure and unemployment insurance investments in the Act. Specifically, SOL will use the Recovery Act funding to provide legal advice related to the grants awarded, 13(c) worker protective arrangements certified, administrative procedures and regulatory changes necessitated by the Act, and all worker protection aspects of the Act. SOL will also assist DOL agencies in preparing enforcement cases for litigation based on investigations conducted using resources provided under the Act and in litigating any such enforcement cases that are referred while funding is still available, as well as in assisting the Department of Justice in defending any litigation initiated against DOL based on activities funded by the Recovery Act.
Enforcement-Related Legal Advise and Support	The Recovery Act's mandate for "enforcement of worker protection laws and regulations," requires vigorous enforcement of existing worker protection laws, as well as additional worker protections provided in the Recovery Act to ensure that, while economic stimulation efforts are underway, the economic downturns and stimulus activities do not result in diminished worker health and safety, wage protections, equal employment opportunity rights, pension security, and other worker protections. SOL has hired 22 ARRA-funded full-time equivalent staff (FTE) and is increasing enforcement-related legal advice, and other related "pre-referral" legal services, such as training for agency staff.
Legal Services Related to Oversight Activities	In the area of oversight activities related to the Recovery Act legislation and programs, SOL provides legal services to all affected agencies of the Department, including ETA and the Office of Job Corps with regard to contract procurement and grants. Such legal services principally consist of legal advice, and regulatory development.

Legal Services Related to Coordination Activities	A portion of the funding is enabling SOL to provide legal services to DOL regarding Recovery Act coordination activities related to the infrastructure and unemployment insurance investments in the Recovery Act. Such legal services principally consist of legal advice, and regulatory development.
3. Characteristics:	
Types of Financial Awards to be used.	J Provision of Specialized Services
Type of Recipient	Federal
Type of Beneficiary	Federal; Individual
4. Major Planned Program Milestones:	
Provide Legal Advice and Support	SOL is using the hours available as a result of Recovery Act funding to meet the legal needs of those Department agencies/programs that receive Recovery Act funding. This is improving the capability of DOL agencies to meet the milestones they identify in their own Specific Recovery Plans – for meeting such milestones is dependent on the legal advice and support provided at all phases of those plans.
	Expected Completion Date: Ongoing through September 30, 2010.
5. Monitoring and Evaluation:	
<p>The Solicitor's Office utilizes the Department's time tracking tool (People Time) as well as SOL's own time and case tracking tool (TD/SOLAR) to track total legal work hours related to the Recovery Act. TD/SOLAR is SOL's internal time and case matter tracking system. TD/SOLAR tracks time based on case name, attorney, statute and agency-client, among other indicators. Attorneys input their time into TD/SOLAR on a regular basis and certify their time at least monthly.</p> <p>TD/SOLAR generates management reports for review. Management reviews the reports and authenticates the validity of the time reported. Furthermore, performance standards require attorneys to keep time and other administrative matters up-to-date.</p>	
6. Measures:	
Measure Text	Hours of Legal Support on Recovery Act-related Activities
Measure Type	Output
Measure Frequency	Quarterly
Direction of Measure	Increasing
Unit of Measure	Hours
Explanation of Measure	This measure tracks the total number of hours spent on Recovery Act-related activities identified in Section 2 of this plan, which will increase by an amount equivalent to the number of Recovery Act-authorized Full Time Employees hired by the agency. SOL will not assign Recovery Act work solely to those FTE that are hired with Recovery Act funds, because the location, exigency and complexity of the Recovery Act-related work will require the use of more seasoned staff to be performed efficiently and effectively. SOL has a time and matter reporting system called TD/SOLAR that captures all work time for attorneys and paralegals, but not for executive or administrative support staff. For every FTE (defined as 1 full time employee for 26 pay periods) that SOL hires with ARRA funds, the agency will provide TD/SOLAR generated records from staff attorneys

	and paralegals who currently report their time specifying at least 1,280 hours of time spent performing Recovery Act-related work by SOL staff. SOL has implemented an additional Recovery Act work time reporting system for the agency's Deputy, Associate and Regional Solicitors, who comprise the executive staff. SOL has required all staff to enter Recovery Act-related work time as required by the People Time system, and continues to provide hours that will ultimately reflect 1,600 hours of work time per Recovery Act FTE. SOL will provide final statistics using data created from all of these methodologies to establish that the agency's staff has performed the requisite amount of Recovery Act work time to account for each Recovery Act FTE that the agency has hired. For Q1 and Q2 of FY 2010, SOL staff has recorded approximately 7,000 hours of ARRA work in TD/SOLAR, , which equates to an annualized level of work of approximately 13,600 hours, or an annualized FY10 FTE level of approximately 9 FTE. Because the rate of actual ARRA work is lower than expected from 22 FTE, SOL has informed the Department it expects not to use \$800,000 in ARRA funds that were made available to SOL.
Year	2009
Original Program Target	608
Revised Full Program Target	N/A
Targeted ARRA Increment	N/A
Actual	7,000 (FY 2010 Q1 and Q2)
Goal Lead	M. Patricia Smith, Solicitor
Measure Text	Percent of favorable outcomes in cases submitted for litigation
Measure Type	Outcome
Measure Frequency	Quarterly
Direction of Measure	Increasing
Unit of Measure	Percentage
Explanation of Measure	One measure of SOL's litigation contribution to the achievement of the Department's strategic goals is its rate of successful outcomes. SOL has established a high rate of success in litigation, which is congruent with that of other major Federal litigation programs. SOL experienced an 87% rate of favorable outcomes in litigation cases in Q1 of FY 2010, and an 85% favorable outcome rate in Q2 of FY 2010.
Year	2009
Original Program Target	95%
Revised Full Program Target	N/A
Targeted ARRA Increment	N/A
Actual	85% (FY 2010 Q2)
Goal Lead	M. Patricia Smith, Solicitor
Measure Text	Percent of expenditures compared to the total amount of restitution, recoveries, penalties awarded, and monetary claims defeated
Measure Type	Efficiency
Measure Frequency	Quarterly

Direction of Measure	Increasing
Unit of Measure	Percentage
Explanation of Measure	The numerator represents resources used to litigate, based on the percentage of full-time employees (FTE) dedicated to litigation. The denominator is tracked through SOL's case tracking system that records the results of litigation. SOL experienced a rate of 49% in FY 2010 Q1, and of 61% in FY 2010 Q2.
Year	2009
Original Program Target	40%
Revised Full Program Target	N/A
Targeted ARRA Increment	N/A
Actual	61% (FY 2010 Q2)
Goal Lead	M. Patricia Smith, Solicitor

7. Transparency and Accountability:

SOL reports the increased efforts resulting from additional Recovery Act-funded FTE through work hours directed to Recovery Act-related enforcement activities, work hours directed to the other legal services necessary to support the execution of the Recovery Act funding of contracts and grants, and work hours directed to the support of DOL responses to oversight, and administrative coordination activities.

SOL's reporting methodologies account for one primary category of time, including the following activities: legal advice and support for all of the new activities required, or made possible, by the Recovery Act, as well as legal services to assist client agencies receiving Recovery Act funds to develop investigations and other enforcement actions before those matters are formally referred to SOL for litigation or other legal activity, and in litigating any enforcement or defensive actions related to activities under the Recovery Act within the relevant period. SOL tracks the total number of work hours expended by the agency for Recovery Act related work.

Total legal work hours reported in TD/SOLAR is increasing commensurate with the increase in FTE funded under the Recovery Act. The increased hours of work applicable to the Recovery Act are derived from SOL's matter management and time reporting system SOLAR/TD. A specific number of Recovery Act-related work hours per year (1,280 plus a "roll-up" of 320 hours for management and non-legal-professional assistance, totaling 1,600 work hours) will be generated for each Recovery Act funded FTE. SOL has contracted 22 ARRA-funded FTE, and will provide reporting that establishes the agency performed at least 36,200 hours of Recovery Act-related work on a 12 month basis. These Recovery Act-related hours will be recorded as follows:

- a. Category 1 TD (legal work attributable to a specific case or legal matter) – A uniform convention will be created for new SOLAR numbers, e.g., all related SOLAR numbers start with "ARRA Impl."
- b. Category 2 TD (legal services attributable to a specific client and/or statute, but not a specific case) – A new "Task Code" was added to the pull-down menu in TD titled, e.g., "ARRA-related legal services," which can be selected in lieu of, e.g., "Senior Staff Time" or "Legal Services." This allows continued tracking of the specific clients and statutes associated with Recovery Act-related legal services.

Managers are being held accountable for providing effective and timely legal services pursuant to DOL's Senior Executive Service Performance Management System and all staff is rated pursuant to annual performance plans. In addition, all SOL attorneys are subject to professional responsibilities under the codes of professional conduct of the states where they maintain bar membership.

8. Federal Infrastructure Investments:
N/A
9. Barriers to Effective Implementation:
N/A
10. Environmental Review Compliance:
N/A