

FOIA ATTORNEY

DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE OF INSPECTOR GENERAL

SUMMARY

This position is located in the Department of Health and Human Services (HHS), Office of Inspector General (OIG), Office of Counsel to the Inspector General (OCIG). This not a remote position. The duty station for this position is OIG Headquarters in Washington, DC. The pay listed is for the Washington, DC locality.

The HHS OIG provides objective oversight to promote the economy, efficiency, effectiveness, and integrity of HHS programs, as well as the health and welfare of the people they serve. We fight fraud, waste and abuse in HHS programs including Medicare, Medicaid, the National Institutes of Health, the Centers for Disease Control and Prevention, the Food and Drug Administration and more. HHS OIG conducts critical oversight of programs administered by HHS, promotes public health and safety by recommending improvements, and helps ensure the integrity of these programs by identifying and addressing fraud, waste, abuse, or other misconduct. OIG provides oversight—through audits, evaluations, and investigations—of HHS programs that serve all Americans.

The HHS OIG is recognized as one of the Federal Government's best places to work. HHS OIG is the #1 Best Place to Work within HHS and ranked in the top 10% of agency subcomponents (#48 of 459) in the Partnership for Public Service's "The Best Places to Work in the Federal Government" 2023 rating. For more information, see (<http://www.bestplacestowork.org>).

With a staff of more than 120 professionals, OCIG provides all legal services for OIG. The office is divided into six branches. The HHS OIG Freedom of Information Act (FOIA) Office sits within OCIG's Advice Branch. The Advice Branch fulfills a role for OIG similar to the role fulfilled by a typical government general counsel's office. Advice attorneys support OIG's auditors, evaluators, law enforcement agents and its management and policy staff. Advice attorneys handle a wide range of topics, including legal reviews of audits, evaluations and other written products created by the other OIG components, contracts, subpoenas, law enforcement questions, ethics, privacy, and constitutional tort claims. For more information about the HHS OIG, go to <http://oig.hhs.gov>.

THIS JOB IS OPEN TO:

Hiring Paths: All US citizens: <https://help.usajobs.gov/working-in-government/unique-hiring-paths/public>

OVERVIEW

Job Title: General Attorney (Associate Counsel)

Department: Department of Health and Human Services (HHS)

Agency: Office of Inspector General (OIG)

Hiring Organization: Office of Counsel to the Inspector General (OCIG)

Open & Closing Dates: November 18, 2024, to November 27, 2024

Salary: \$99,200 to \$153,354 Per Year

Pay Scale & Grade: GS-12/13

Locations:

One vacancy in the following location: Position will be located at HHS OIG Headquarters in Washington, DC.

Remote Job: No

Telework Eligible: Yes

Travel Required: 25% or less - You may be expected to travel for this position.

Relocation Expenses Reimbursed: No

Appointment Type: Permanent

Work Schedule: Full-time

Service: Excepted

Promotion Potential: GS 15

Job Family (Series): 0905 - Attorney

Supervisory Status: No

Security Clearance: Not Required

Drug Test: No

Position Sensitivity And Risk: High Risk (HR)

Trust Determination Process: Credentialing, Suitability/Fitness

DUTIES:

The incumbent will be responsible for performing the following duties and responsibilities:

- Primary duties include processing all HHS OIG FOIA appeals and handling all HHS OIG FOIA litigation including working with U.S. Department of Justice attorneys on such matters.
 - o Provides oral and written legal review, advice, and analysis relating to FOIA, including but not limited to the disclosure of information under the FOIA (and the Privacy Act, HIPAA privacy regulations and other statutes concerned with safeguarding and disclosure of government information); representing HHS OIG in FOIA appeals; and assisting attorneys within the U.S. Department of Justice who are litigating HHS OIG FOIA matters.

- Additional duties include the following.
 - o Serves as legal adviser to OIG officials on questions relating to the activities of the OIG. This includes providing advice to OIG on: HHS OIG oversight activities such as investigations of Department employees and those doing business with the Department; audits and evaluations of Department activities; and the operation of Department programs and entities participating in those programs.
 - o Conducts research involving legal issues and cases of varying degrees of complexity concerning the interpretation, application and enforcement of agency statutes, rules, and regulations.
 - o Prepares legal opinions, legal briefs, motions, responses, lines of argument, interrogatories, findings of fact, conclusions of law, and other documents or materials, including documents in support of criminal, civil or administrative litigation.
 - o Reviews and evaluates for legal sufficiency, reports and draft reports and other memoranda relating to OIG audits and evaluations of Department programs and operations.

REQUIREMENTS

Conditions Of Employment:

- U.S. citizenship is required.
- Registration with the Selective Service (if applicable).
- You may be required to serve a two-year trial period.
- Must maintain active bar membership in good standing and the eligibility to practice law in a State, territory, Commonwealth of Puerto Rico, District of Columbia, or Federal Court throughout employment as an attorney with OIG.

QUALIFICATIONS

Minimum Qualification Criteria for Attorneys:

Applicants You must meet the requirements of the job by 11:59 p.m. (Eastern Standard Time) on the closing date:.

Education: Applicants must have graduated with a Juris Doctorate (JD) or Bachelor of Laws (LL.B.) from a law school accredited by the American Bar Association.

NOTE: A transcript is required to substantiate possession of the required and claimed education. Unofficial transcripts (including screen-prints from your school's web portal) are acceptable for initial application; however, the unofficial transcript must show:

- your name
- the name of the educational institution
- the degree awarded
- the conferred/awarded date

Self-prepared transcripts will not be accepted. Official transcripts are required prior to appointment.

Bar Membership: All attorney positions require current active bar membership. Admission to the bar of any State, territory, Commonwealth of Puerto Rico, District of Columbia, or Federal Court is acceptable. Employees must maintain active bar membership while employed as an attorney with OIG.

You MUST provide proof that you are authorized to practice law. Failure to provide proof will result in ineligibility. Such proof can include:

- An active bar card that shows the current year or an expiration date outside of the closing date of the announcement. If the card only shows a previous year (example: 2023), you must submit additional documentation.
- A screen print from a bar website that reflects you are an active member of the bar. The screen print must make clear what month, date, and year the screen print was taken.
- A letter/certificate from the bar certifying that you are licensed and authorized to practice law. The letter must be dated within one year of the closing date of the announcement.

Grade-specific Qualification:

GS-12: Applicants must have one (1) year of professional legal experience post bar admission equivalent to at least the GS-11 grade level. Experience may be outside of the Federal Government.

GS-13: Applicants must have one (2) years of professional legal experience post bar admission equivalent to at least the GS-12 grade level. Experience may be outside of the Federal Government.

Highly qualified applicants: To be considered a highly qualified applicant all qualifications and requirements will have been met. Additionally, the applicant will have at least one year of relevant experience as an attorney advising agencies (Federal, state, or local), individuals or entities on matters concerning the disclosure of information under the FOIA; and the safeguarding of information under the Privacy Act.

The ideal candidate will have extensive knowledge of the FOIA. The ideal candidate will also have experience analyzing records and evaluating what information may be released or withheld under the FOIA. The ideal candidate will also possess the skills necessary to perform detailed legal research and provide oral or written determinations, recommendations, and justifications to assist the U.S. Department of Justice in litigating HHS OIG FOIA matters regarding the releasability of HHS OIG records.

Experience refers to paid and unpaid experience, including volunteer work done through National Service programs (e.g., Peace Corps, AmeriCorps) and other organizations (e.g., professional; philanthropic; religious; spiritual; community, student, social). Volunteer work helps build critical competencies, knowledge, and skills and can provide valuable training and experience that translates directly to paid employment. You will receive credit for all qualifying experience, including volunteer experience. Your resume should include the dates of all qualifying experience (from month/year to month/year) and the number of hours worked/volunteered per week.

EDUCATION

Education: Successful completion of a full course of study in a school of law accredited by the American Bar Association through which you have attained the first professional law degree, i.e. LLB, or J.D.

Foreign Education: Education completed in foreign colleges or universities may be used to meet education requirements if you can show that the foreign education is comparable to that received in an accredited educational institution in the United States. It is your responsibility to provide such evidence when applying. Click on the link for a [list of accrediting organizations](#) recognized as specializing in interpretation of foreign education credentials.

ADDITIONAL INFORMATION:

Recruitment Incentives: Payment for relocation expenses is not authorized for this position. A recruitment bonus will not be offered. Repayment of student loans will not be offered.

Reasonable Accommodation: This agency provides reasonable accommodation to applicants with disabilities. If you need a reasonable accommodation for any part of the application and hiring process, please see Agency Contact Information for whom to contact for more info. The decision on granting reasonable accommodation will be made on a case-by-case basis. You must

email the agency contact on the vacancy announcement at least three business days before the closing date of this announcement to receive assistance.

Drug-free Workplace: In accordance with Executive Order 12564 of September 15, 1986, HHS is A Drug-Free Federal Workplace. The Federal government, as the largest employer in the Nation, can and should show the way towards achieving drug-free workplaces through programs designed to offer drug users a helping hand, and at the same time demonstrating to drug users and potential drug users that drugs will not be tolerated in the Federal workplace. The use of illegal drugs, on or off duty, by Federal employees is inconsistent not only with the law-abiding behavior expected of all citizens, but also with the special trust placed in such employees as servants of the public. Applicants selected for this position will be subject to reasonable suspicion and post-accident drug testing upon hiring. To demonstrate commitment to the HHS goal of a drug-free workplace and to set an example for other Federal employees, employees not in a testing designated position may volunteer for unannounced random testing by notifying their Drug-free Federal Workplace Program Point of Contact upon hiring.

Security and Background Requirements: A background security investigation will be required for all appointees. Appointment will be subject to the applicant's successful completion of a background security investigation and favorable adjudication. Failure to successfully meet these requirements may be grounds for appropriate personnel action. In addition, if hired, a background security reinvestigation or supplemental investigation may be required at a later time. Applicants are also advised that all information concerning qualifications is subject to investigation. False representation may be grounds for non-consideration, non-selection and/or appropriate disciplinary action.

Benefits Link:

<https://help.usajobs.gov/working-in-government/benefits>

HOW YOU WILL BE EVALUATED

You will be evaluated for this job based on how well you meet the qualifications and requirements as described in the vacancy announcement.

There is no formal rating system for applying veterans' preference to attorney appointments in the excepted service. However, OIG considers veterans' preference eligibility as a positive factor in attorney hiring. Applicants eligible for veterans' preference must include that information in their cover letter or resume and attach supporting documentation (e.g., the DD 214, Certificate of Release or Discharge from Active Duty and other supporting documentation) to their submissions. Although the "point" system is not used, per se, applicants eligible to claim 10-point preference must submit Standard Form (SF) 15, Application for 10-Point Veteran Preference, and submit the supporting documentation required for the specific type of preference claimed (visit the OPM website, www.opm.gov/forms/pdf_fill/SF15.pdf for a copy of SF 15, which lists the types of 10-point preferences and the required supporting document(s)). Applicants should note that SF 15 requires supporting documentation associated with service-connected disabilities or receipt of nonservice-connected disability pensions to be dated 1991 or later except in the case of service members submitting official statements or retirement orders from a branch of the Armed Forces showing that the retirement was due to a permanent service-

connected disability or that the veteran was transferred to the permanent disability retired list (the statement or retirement orders must indicate that the disability is 10% or more).

REQUIRED DOCUMENTS

Required Documents: All applicants are required to submit the following supporting document type(s):

- Resume
- Proof of Active Bar Status
- A recent writing sample of less than eight (8) pages

Current or Former Political Appointees: OPM requires agencies to seek prior approval before they can appoint a current or recent political appointee to a competitive or non-political excepted service position at any level. Additional information can be found at:

<https://www.opm.gov/frequently-asked-questions/political-appointees-and-career-civil-service-positions-faq/>. If you are currently or have been within the last five years, a political Schedule A, Schedule C, or Non-career SES employee in the executive branch, this information must be disclosed to Human Resources. Such applicants must submit a copy of an SF-50 documenting the appointment with all other required application documents.

Veterans Preference Documentation (if applicable): If you are a discharged, non-disabled veteran, you must submit a copy of your DD-214 showing character discharge (Member 4 copy), or other Documentation of Service and Separation under Honorable Conditions. If you don't have your DD-214, you may request it after discharge from the National Archives at www.archives.gov/veterans.

If you are a veteran within 120 days of discharge, you must submit signed documentation from the Armed Forces certifying: 1) your expected release/retirement from active duty, 2) under honorable conditions, 3) your pay grade/rank/rate at time of discharge, 4) dates of active duty service, 5) any campaign or expeditionary medals received, and 6) dated within 120 days of your separation.

If you are a disabled veteran, Purple Heart recipient, or mother or spouse of a disabled or deceased veteran, you must submit a completed SF 15 (see form at http://www.opm.gov/forms/pdf_fill/SF15.pdf) and all additional proof required by the SF-15, as applicable. If you don't have your Department of Veterans Affairs letter establishing proof of disability, you may request it at <http://www.ebenefits.va.gov/> or call 1-800-827-1000.

Financial Disclosure: This position may be subject to financial disclosure requirements. HHS OIG attorneys at the GS-14 level and above must file a financial disclosure. For more information about Financial Disclosure and OGE Form 450, you may go to the Office of Government Ethics website at www.oge.gov and select Financial Disclosure. Frequently Asked Questions can be found at <http://www.oge.gov/Financial-Disclosure/Confidential-Financial-Disclosure-450/OGE-Form-450-FAQs/OGE-Form-450-FAQs/>.

For Most Effective Resumes Tips visit:

https://help.usajobs.gov/index.php/Most_Effective_Resumes

Please visit the YouTube Link for additional Tips:

<https://www.youtube.com/watch?v=bqYkibnuiJU>

**APPLICATION MATERIALS MUST BE RECEIVED BY 11:59 pm (EASTERN TIME)
ON November 27, 2024.**

HOW TO APPLY: Email application materials to Tynishia Gardner at Tynishia.Gardner@oig.hhs.gov with the job announcement title in the subject line. Questions regarding this vacancy or the application process should be directed to Tynishia Gardner.

Next Steps: The most highly qualified candidates will be referred to the hiring manager for further consideration and possible interview. If you are one of the most highly qualified candidates, you will receive notice via email or phone once this process is completed.

FAIR & TRANSPARENT

The Federal hiring process is set up to be fair and transparent. Please read the following guidance.

Fair Chance Act

The Fair Chance to Compete for Jobs Act ("Fair Chance Act") prohibits federal agencies from requesting an applicant's criminal history record **prior** to extending a conditional offer of employment. **In accordance with 5 U.S.C. § 9202(c) and 5 C.F.R § 920.201 certain positions are exempt from its provisions.** Additional information about the Fair Chance Act may be found at: [HHS OIG Fair Chance Act Information](#).

Equal Employment Opportunity Policy

The United States government does not discriminate in employment on the basis of race, color, religion, sex (including pregnancy and gender identity), national origin, political affiliation, sexual orientation, marital status, disability, genetic information, age, membership in an employee organization, retaliation, parental status, military service or other non-merit factor.

Social Security Number Request

Your Social Security Number will be requested during the application process. It is requested under the authority of Executive Order 9397 to uniquely identify your records from those of other applicants who may have the same name. As allowed by law or Presidential directive, your Social Security Number is used to seek information about you from employers, schools, banks, and others who may know you.

Selective Service Registration

Federal law requires male U.S. citizens and non-citizens living in the U.S. between the ages of 18 and 25 to register with the [Selective Service System](#).

You should register within 30 days of turning 18. If you didn't, you have until age 26 to register.

How do I know if I need to register or if I am exempt?

Most men must register with the Selective Service System.

- [See if you need to register or are exempt from registering.](#)
- [Register with the selective service at their website.](#)
- Check your registration status or information by calling the Selective Service System information line at 888-665-1825 or [visiting their website.](#)

What if I am not registered and I am older than 26?

You must [request a registration status information letter](#) from the Selective Service System online.

Will the agency ask for my registration information?

You may be asked later in the application process or during the onboarding process if you are registered or to show proof that you are exempt from registering.

What if I don't register with the Selective Service System?

[Not registering](#) is a felony, and you may lose some benefits if you do not register.

- You may not be eligible for federal (and many state and local) jobs.
- You may not qualify for federal job training under the Workforce Innovation and Opportunity Act (formerly the Workforce Investment Act).
- Your U.S. citizenship proceedings may be delayed up to five years for immigrants.
- You may lose state-based student loans and grant programs in 31 states.

Financial Suitability

It is the policy of the government not to deny employment simply because an individual has been unemployed or has had financial difficulties that have arisen through no fault of the individual. Information about an individual's employment experience will be used only to determine the person's qualifications and to assess his or her relative level of knowledge, skills, and abilities. Although an individual's personal conduct may be relevant in any employment decision, including conduct during periods of unemployment or evidence of dishonesty in handling financial matters, financial difficulty that has arisen through no fault of the individual will generally not itself be the basis of an unfavorable suitability or fitness determination.

When making hiring decisions, we (the Federal Government) review your employment experience only to determine your qualifications and your level of knowledge, skills, and abilities. We don't deny employment just because you've been unemployed or have had financial difficulties through no fault your own. However, if there's evidence of poor personal conduct, during times of employment or unemployment, or dishonesty in handling financial matters, we most likely won't hire you.

Privacy Act

Privacy Act Notice (PL 93-579): We use this information to determine qualifications for employment. This is authorized under Title 5 U.S.C. 3302 and 33

Signature and False Statements

Before you are hired, you must sign and certify the accuracy of the information in your application. If you misrepresent your experience or education, or provide false or fraudulent information in or with your application, it may be grounds for not hiring you or for firing you after you begin work. Making false or fraudulent statements also may be punishable by fine or imprisonment. All information in your resume, or any part of your application must be true and accurate. If it's not, we won't hire you and if you already started working, it may be grounds for firing you.