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|  |  | |  |  | | --- | --- | | |  | | --- | | This position description serves as the official classification document of record for this position. Please complete the information as accurately as you can as the position description is used to determine the proper classification of the position. | | |  | | |  |  | | --- | --- | | **2. Employee's Name (Last, First, M.I.)** | **8. Department/Agency** | |  | ATY GNRL CENTRAL OFFICE | | **3. Employee Identification Number** | **9. Bureau (Institution, Board, or Commission)** | |  | Consumer and Regulatory Enforcement Bureau | | **4. Civil Service Position Code Description** | **10. Division** | | Attorney Staff- 15/16 | Alcohol and Gambling Enforcement Division | | **5. Working Title (What the agency calls the position)** | **11. Section** | | Attorney |  | | **6. Name and Position Code Description of Direct Supervisor** | **12. Unit** | | WHALEN, GERALD A; ATTORNEY ADMINISTRATOR-2 |  | | **7. Name and Position Code Description of Second Level Supervisor** | **13. Work Location (City and Address)/Hours of Work** | | MCGEHEE, DONALD S; ATTORNEY ADMINISTRATOR-3 | Monday - Friday 8:00 a.m. to 5:00 p.m. | | |  | | |  |
|  | |  |  |  |  | | --- | --- | --- | --- | |  |  |  |  | |  | |  | | --- | | **14. General Summary of Function/Purpose of Position** | |  |  | |  |  |  |  | | |  | | --- | | A staff level attorney in the Alcohol and Gambling Enforcement Division is expected to routinely handle various legal assignments. The staff attorney, under the supervision of the Division Chief, the First Assistant, Section Head(s) or a Senior Attorney provides day-to-day legal representation for various state agencies, including the Michigan Liquor Control Commission, the Michigan Gaming Control Board and its Executive Director, the Bureau of State Lottery, the Michigan Sheriffs' Coordinating Training Council, the Department of Military and Veterans Affairs and the Michigan Commission on Law Enforcement Standards.  Additionally, the staff attorney provides research, drafts of formal and informal legal opinions, and is assigned division matters by the Division Chief, the First Assistant or Section Head(s). The staff attorney will also provide representation in state and federal civil and administrative proceedings and courts. | | | |  | |  |  |  |  | | | |  |

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|  |  |  |  | |  |  |  | | --- | --- | --- | | |  | | --- | | **15. Please describe the assigned duties, percent of time spent performing each duty, and what is done to complete each duty.  List the duties from most important to least important. The total percentage of all duties performed must equal 100 percent.** | | | |  | |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | |  |  |  | | --- | --- | --- | | **Duty 1** | | | | **General Summary:** | **Percentage:** | **35** | | General Legal Counsel | | | | **Individual tasks related to the duty:** |  |  | | • Provides counsel, legal opinions, and advice to Division's client agencies on legal matters.  Focuses on the legal issues raised; examines factual situations for legal implications; analyzes legal questions; researches the law; provides oral guidance where appropriate; and/or offers formal legal guidance under the direction and assistance of the Section Head(s), Senior Attorney(s), the Division First Assistant and Division Chief.  Negotiates with applicants and licensees on behalf of client agencies; assists client agencies in drafting and editing proposed rules, amendments, resolutions, and orders.  Prepares legislative bill analyses and assists with legal opinion requests of the Division.  Handles bottle bill complaints. Answer citizen telephone calls and emails.  Performs other Division related tasks as assigned. | | | | **Duty 2** | | | | **General Summary:** | **Percentage:** | **40** | | Administrative Practice | | | | **Individual tasks related to the duty:** |  |  | | • Handles contested administrative hearings throughout the state; reviews agency charges and rules; prepares legal memoranda advising client of merit of proposed charges, negotiates case settlements (subject to supervisor review and approval); appears at administrative appeals, motion practice; drafts briefs  and exceptions. • Reviews violation reports and/or police reports and consults with law enforcement agencies, including client agencies, to ascertain facts sufficient to draft a complaint against the licensee for statute and/or administrative rule violations | | | | **Duty 3** | | | | **General Summary:** | **Percentage:** | **10** | | Litigation | | | | **Individual tasks related to the duty:** |  |  | | • Appears in state and federal courts. • Drafts responsive pleadings and briefs in injunctive and declaratory relief lawsuits and other matters in which client agencies are involved. • Drafts pleadings initiating civil litigation on behalf of the State. • Conducts legal research to be used in litigation before state administrative boards, commissions, and state and federal courts. • Evaluates respective legal positions; plans legal strategies.   • Conducts necessary litigation preparation including discovery and depositions. • Handles trials or hearings on behalf of state agencies or government employees.  • Evaluates case strategies on lawsuits and administrative matters. • Negotiates settlements (subject to supervisor review and approval). | | | | **Duty 4** | | | | **General Summary:** | **Percentage:** | **5** | | Appellate Practice | | | | **Individual tasks related to the duty:** |  |  | | • Appears and represents Division's client agencies, the State, and Department of Attorney General at oral arguments before the various circuit courts and State and Federal appellate courts.  Researches and drafts appellate briefs | | | | **Duty 5** | | | | **General Summary:** | **Percentage:** | **10** | | Representation of State and Department of Attorney General | | | | **Individual tasks related to the duty:** |  |  | | • Research law and analyzes issues of public significance; drafts responses to requests for Opinions of the Attorney General, assists supervisors in preparing "heads up” notifications and other information to advise Executive Division of major issues | | | | | | | | | | |  |
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|  |  |  |  | |  |  | | --- | --- | |  |  | |  | |  | | --- | | **16. Describe the types of decisions made independently in this position and tell who or what is affected by those decisions.** | | |  |  | | |  | | --- | | Generally responsible for the day-to-day decisions related to assignments from the Division Chief, the First Assistant, Section Head(s) and Senior Attorney(s).  The Staff Attorney must exercise discretion in handling oral inquiries for advice from client agencies.  The degree of independence will vary with the complexity of the case and the ability of the Staff Attorney.  The level of independence is also based on the ability to manage an assigned workload and meet timelines related to research, memorandums, case management, civil litigation, contested administrative hearings, and appeals.  The staff attorney must demonstrate sound legal recommendations to his/her supervisors that protects the Division and advance the legal interests of the client.  The Staff Attorney's decisions affect the Department, its client agencies, their licensees, and the people of the State of Michigan. One-on-one supervision and some mentoring are occasionally necessary. | | | | | | | | |  |
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|  |  |  | |  |  |  | | --- | --- | --- | |  | |  | | --- | | **18. What kind of physical effort is used to perform this job? What environmental conditions in this position physically exposed to on the job? Indicate the amount of time and intensity of each activity and condition. Refer to instructions.** | | |  |  | | |  | | --- | | Work is typically performed in an office setting. The work requires attending meetings, court proceedings, administrative hearings, depositions, etc., which does entail travel and transporting heavy legal files and related materials to other sites throughout the state, including during the winter months.  The work also requires long periods of computer and office equipment usage. | | | | | | | | | |  |
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|  | |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | |  | | --- | | **20. This position's responsibilities for the above-listed employees includes the following (check as many as apply):** | | | | | | | | | | |  |  |  |  |  |  |  |  |  | |  | |  | | --- | | N | |  | |  | | --- | | Complete and sign service ratings. | |  | |  | | --- | | N | |  | |  | | --- | | Assign work. | |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |  |  | |  | |  | | --- | | N | |  | |  | | --- | | Provide formal written counseling. | |  | |  | | --- | | N | |  | |  | | --- | | Approve work. | |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |  |  | |  |  |  |  |  | |  | | --- | | N | |  |  |  | |  | |  | | --- | | N | |  | |  | | --- | | Approve leave requests. | |  |  | |  | | --- | | Review work. | |  | |  |  |  |  |  |  | |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |  |  | |  | |  | | --- | | N | |  | |  | | --- | | Approve time and attendance. | |  | |  | | --- | | N | |  | |  | | --- | | Provide guidance on work methods. | |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |  |  | |  | |  | | --- | | N | |  | |  | | --- | | Orally reprimand. | |  | |  | | --- | | N | |  | |  | | --- | | Train employees in the work. | |  | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |  |  | | | | | | | | | |  |
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|  | |  |  |  | | --- | --- | --- | | |  | | --- | | **22. Do you agree with the responses for items 1 through 20? If not, which items do you disagree with and why?** | | | |  |  | |  | |  | | --- | | N/A - New Position | | | | | | | | | | |  |
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|  | |  |  |  | | --- | --- | --- | | |  | | --- | | **23. What are the essential functions of this position?** | | | |  |  | |  | |  | | --- | | Function as a Staff Attorney of the Department's Alcohol & Gambling Enforcement Division.  Duties include:  Emphasis on representation of the Michigan Liquor Control Commission, Gaming Control Board and the Bureau of State Lottery. This division serves the need for legal services of the Michigan Gaming Control Board, Michigan Liquor Control Commission, Michigan Bureau of State Lottery, the Michigan Sheriffs' Coordinating Training Council, the Department of Military and Veterans Affairs and the Michigan Commission on Law Enforcement Standards. Bottle bill complaints and firearms are also handled for the Attorney General in this Division. | | | | | | | | | | |  |
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|  |  |  | |  |  |  | | --- | --- | --- | | |  | | --- | | **24. Indicate specifically how the position's duties and responsibilities have changed since the position was last reviewed.** | | | |  |  | |  | |  | | --- | | N/A - New Position | | | | | | | | |  |
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|  |  | |  |  |  | | --- | --- | --- | | |  | | --- | | **25. What is the function of the work area and how does this position fit into that function?** | | | |  |  | |  | |  | | --- | | The Division provides legal representation for various state agencies and personnel, including the Michigan Liquor Control Commission, the Michigan Gaming Control Board, the Bureau of State Lottery, and the Michigan Sheriffs' Coordinating Training Council and the Department of Military and Veterans Affairs and the Michigan Commission on Law Enforcement Standards.  Representation includes civil matters in state and federal civil courts and administrative proceedings at the state client agency level and Michigan Office of Administrative Hearings & Rules (MOAHR).     The Assistant Attorney General is assigned to provide legal services to client agencies serviced by the Alcohol and Gambling Enforcement Division.  The attorney handles legal assignments as directed by the Division Chief, the First Assistant and Section Head(s). This attorney should have a broad knowledge of regulation and that practice of law. | | | | | | | | | |  |
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|  |  | |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | | |  | | --- | | **26. What are the minimum education and experience qualifications needed to perform the essential functions of this position.** | | | | | | |  | |  |  |  |  |  |  |  | | |  | | --- | | **EDUCATION:** | | |  |  |  |  |  | |  |  |  |  |  |  |  | | |  | | --- | | Possession of a Juris Doctorate degree from an accredited school of law. | | | | | | | | |  |  |  |  |  |  |  | | |  | | --- | | **EXPERIENCE:** | | |  |  |  |  |  | |  |  |  |  |  |  |  | | |  | | --- | | **Attorney-Staff P15C** No specific type or amount is required. | | | | | | | | |  |  |  |  |  |  |  | | |  | | --- | | **KNOWLEDGE, SKILLS, AND ABILITIES:** | | | |  |  |  |  | |  |  |  |  |  |  |  | | |  | | --- | | Knowledge of fundamental subjects of law.  Knowledge of research procedures.  Ability to prepare briefs and argue cases before state and/or federal courts and agencies.  Knowledge of court procedures.  Knowledge of practices and procedures of the Department of Attorney General.  Ability to communicate effectively, both verbally and in writing.  Ability to use judgment, tact and discretion.  Ability to analyze facts and draw logical conclusions.  Ability to maintain accurate records. Have a broad knowledge and experience with the regulatory practice of law. | | | | | | | | |  |  |  |  |  |  |  | | |  | | --- | | **CERTIFICATES, LICENSES, REGISTRATIONS:** | | | | |  |  |  | |  |  |  |  |  |  |  | | |  | | --- | | Membership in good standing with the State Bar of Michigan | | | | | | | | |  |  |  |  |  |  |  | |  | |  | | --- | | ***NOTE: Civil Service approval does not constitute agreement with or acceptance of the desired qualifications of this position.*** | | | | |  |  | |  |  |  |  |  |  |  | | | | | | | | |  |
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|  |  | |  |  |  |  |  | | --- | --- | --- | --- | --- | |  |  |  |  |  | |  | |  | | --- | | ***I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.*** | | | |  | |  | |  | | --- | |  | |  | |  | | --- | |  | |  | |  |  |  |  |  | |  | |  | | --- | | **Supervisor** | |  | |  | | --- | | **Date** | |  | |  |  |  |  |  | | | | | | | | |  |
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|  |  |  |  |  |  |  |  | |  | | --- | | **TO BE FILLED OUT BY APPOINTING AUTHORITY** | |  |  |
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|  |  |  |  |  |  |  | |  |  |  | | --- | --- | --- | |  |  |  | |  | |  | | --- | | **Indicate any exceptions or additions to the statements of employee or supervisors.** | |  | |  |  |  | |  | |  | | --- | |  | |  | |  |  |  | | | |  |
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