

State of Michigan
Department of Civil Service
Capitol Commons Center, P.O. Box 30002
Lansing, MI 48909

Federal privacy laws and/or state confidentiality requirements protect a portion of this information.

POSITION DESCRIPTION

This form is to be completed by the person that occupies the position being described and reviewed by the supervisor and appointing authority to ensure its accuracy. It is important that each of the parties sign and date the form. If the position is vacant, the supervisor and appointing authority should complete the form.

This form will serve as the official classification document of record for this position. Please take the time to complete this form as accurately as you can since the information in this form is used to determine the proper classification of the position. **THE SUPERVISOR AND/OR APPOINTING AUTHORITY SHOULD COMPLETE THIS PAGE.**

2. Employee's Name (Last, First, M.I.)	8. Department/Agency Attorney General
3. Employee Identification Number	9. Bureau (Institution, Board, or Commission) Consumer and Regulatory Enforcement Bureau
4. Civil Service Classification of Position Attorney Staff-E -or- Attorney Senior-A	10. Division Labor
5. Working Title of Position (What the agency titles the position) Assistant Attorney General	11. Section Unemployment Section
6. Name and Classification of Direct Supervisor Jessica Smith, Attorney Manager 18	12. Unit
7. Name and Classification of Next Higher Level Supervisor Brian Galin, Attorney Administrator 19	13. Work Location (City and Address)/Hours of Work 525 W Ottawa St, Williams Building; Lansing, MI -OR- 3030 W Grand Blvd., Cadillac Place, Detroit, MI Monday-Friday 8:00 a.m. to 5:00 p.m.
14. General Summary of Function/Purpose of Position As an attorney in the Labor Division's Unemployment Section and under the general supervision of the Division Chief, the First Assistant, or Section Head, the incumbent handles legal assignments of varying complexity. Working with varying levels of independence, the attorney provides legal representation for the Michigan Unemployment Insurance Agency (UIA). The legal assignments handled by the incumbent include, but are not limited to: day-to-day legal advice; research and writing of formal and informal legal opinions; representation of the UIA in contested administrative hearings; representation in federal and state court litigation, and appellate representation in all levels of federal and state courts, and administrative appellate bodies; collection cases involving unemployment taxes or unemployment benefit overpayments; chapter 7, 11, and 13 bankruptcy cases involving taxes or benefits; administrative hearings involving unemployment tax liability or claims for unemployment benefits; and actions under section 11 of the Michigan Employment Security (MES) Act relative to confidentiality and privilege (subpoenas).	

15. Please describe your assigned duties, percent of time spent performing each duty, and explain what is done to complete each duty.

List your duties in the order of importance, from most important to least important. The total percentage of all duties performed must equal 100 percent.

Duty 1

General Summary of Duty 1

% of Time 35

Appellate work in various administrative forums, and state and federal courts: The attorney will defend or take appeals in the Unemployment Insurance Appeals Commission and state courts from administrative decisions involving the UIA. The attorney will also, if assigned, work on appeals involving bankruptcy questions or miscellaneous litigation under 28 USC 1983, which are filed in federal courts.

Individual tasks related to the duty.

- Analyze decisions for appealable issues and any appeal taken to determine whether a cross appeal, motion, or other response is appropriate.
- Where no brief will be filed, prepare a memorandum to maintain in file and to provide to client outlining the case and decision not to actively participate in the appeal.
- Where client has right or authority to recommend what position to take on appeal, prepare Benefit or Liability Appeal memorandum for review and discussion for client's recommendation.
- Research legal issues.
- Draft the appellate brief, identifying factual and legal issues, and presenting legal arguments in support of the legal position on each issue.
- Prepare and present oral argument.

Duty 2

General Summary of Duty 2

% of Time 30

Liability or benefit appeals: Administrative hearings under the MES Act. The attorney will defend the UIA's determinations of employee benefit eligibility or employer tax liability, including subsequent appeals that the UIA requests be taken.

Individual tasks related to the duty.

- Review and assess case and evidence; determine whether UIA must supply additional documents.
- Respond to requests from employer attorney or advocate for documents or requests on other pretrial matters, such as adjournments or conduct of hearing.
- Advise UIA of settlement matters, such as requests for the agency to reconsider before hearing, based on additional information, or offers to resolve disputes that can be administratively implemented to obviate need for hearing.
- Conduct discovery-related activities, such as interviewing potential non-agency witnesses and selecting whom to subpoena in support of the agency's case.
- Develop the legal theory of the case and decide hearing plan.
- Prepare client witnesses.
- Prepare exhibits and provide to parties in advance, where practicable.
- Prepare memoranda of law on unusual or unique issues at request of ALJ or as part of case strategy.

Duty 3**General Summary of Duty 3****% of Time 15**

Bankruptcy cases involving unpaid taxes or benefit overpayments: The UIA files claims in tax cases and complaints to determine dischargeability in benefit overpayment cases, with the aim of collecting the maximum that the agency is entitled to under the law in relation to other creditors.

Individual tasks related to the duty.

- Review tax claim referrals to determine whether immediate action is required.
- Monitor cases in chapter 11 to assure Debtor is paying taxes going forward. Where necessary, due to unpaid taxes or other administrative irregularities, prepare motions to convert or dismiss case or other motions prescribed by circumstances (motions for abstention, to lift stay, etc.).
- Review chapter 11 plans for compliance with state law involving taxes and bankruptcy law for compliance with specific Bankruptcy Code provisions. Prepare objections for noncomplying plans.
- Advise UIA of progress and changes in bankruptcy cases, including sale, conversions, confirmations, objections to claim, etc.
- Advise, in writing, Debtor and Debtor's counsel of obligations under confirmed plan.
- On UIA's request, reopen closed chapter 11 cases to enforce collection, including drafting collection letters, moving to reopen and to convert case.
- Answer objections to UIA's claims in all chapters.
- Respond to all motions involving UIA claims or interests.
- Appear at evidentiary and motion hearings unless settled in favor of UIA or settled otherwise as a matter of law.
- In fraud cases under section 523 of the Bankruptcy Code, where overpayment of benefits has resulted from misrepresentation, file adversary complaint to determine dischargeability and go forward as necessary in general litigation, including the preparation of interrogatories and other discovery, the preparation of motions and a trial brief, preparation of client witnesses, research, labeling and exchanging exhibits, preparing pretrial statements and witness lists, and trying case.
- Contested matters in tax cases will also proceed as litigation normally proceeds. Unemployment tax issues are settled only under strictly defined standards, which do not authorize compromise of tax principal, in consultation with UIA Tax Office and, where appropriate, on recommendation by the attorney handling the case, with the approval of the supervisor.

Duty 4**General Summary of Duty 4****% of Time 5**

Contribution cases: File complaints seeking judgment for tax deficiencies where UIA Tax Office has referred case for suit. Once judgment is taken, whether a payment agreement is entered or not, file is closed and returned to UIA Tax Office for follow up.

Individual tasks related to the duty.

- Review records and tax media involving defendant taxpayer.
- Prepare or respond to interrogatories.
- Conduct depositions of client(s), opposing parties, etc.
- Prepare demonstrative and documentary exhibits for use in settlement (limited) discussions, depositions or trial.
- Prepare motions, including dispositive motions such as motions for summary judgment with brief, and respond to pretrial motions.
- Participate in settlement discussions where facts warrant but taxes cannot be compromised.
- Prepare for trial where necessary: interview witnesses, prepare client.
- Prepare pretrial statements, witness and exhibit lists, trial brief, label and exchange exhibits.
- Attend trial/hearing.

Duty 5**General Summary of Duty 5****% of Time 10**

Miscellaneous litigation and activities as assigned from time to time by Division management: These cases could be as simple as defending a claim in a probate case, moving to quash a subpoena, asserting an interest in a foreclosure matter, or as complex as employment litigation involving a UIA employee, conducting a debtor's examination to determine viability of collection a judgment, or assisting a team of AAGs in class action litigation.

Individual tasks related to the duty.

- Prepare pleadings, motions, and briefs that may involve legal research and document review.
- Prepare for and appear at evidentiary hearings conducted by the court to determine issues related to the issuance of a temporary restraining order, preliminary injunction, or other pretrial matters.
- Conduct discovery and fact finding as required.
- Prepare for and conduct debtor's examination.
- Prepare for trial and conduct trial.
- Receive assignments or special tasks from the Division Chief, First Assistant, Unemployment Section Head, or Executive office.
- Draft any necessary written advice or answers, including email, letter, internal memorandum, or Division-level advice memorandum.

Duty 6**General Summary of Duty 6****% of Time 5**

Restitution collection cases: The attorney is primarily involved in filing the cases that the UIA refers to the Labor Division and to obtain judgment on the debt owed. Once the judgment is obtained, the file and judgment is returned to the UIA for collection efforts.

Individual tasks related to the duty.

- Review file to assure administrative finality of non-monetary and monetary determinations in the case. Nonfinal cases are not ripe for judgment and are returned to the UIA with advisory memo.
- Where defendant does not respond to final collection letter, file complaint for judgment on debt.
- Participate in pretrial discovery as necessary—generally limited due to administrative finality of agency decisions.
- Where defendant files answer, assess defenses that may be dispositive of case in some fashion (lack of notice, debt partially or wholly paid, statute of limitations bar). Where no defense disposes of case, prepare motion for summary judgment and brief in support of motion.
- Conduct trial or hearing.
- Advise UIA of judgment and return file to UIA for collection efforts.

- 16. Describe the types of decisions you make independently in your position and tell who and/or what is affected by those decisions. Use additional sheets, if necessary.**

Exercises discretion in handling oral inquiries for advice from clients, questions from citizens, and in negotiating with opposing counsel on matters short of ultimate settlement issues. In general, the degree of independence will vary with the complexity of the case and experience of the incumbent.

- 17. Describe the types of decisions that require your supervisor's review.**

Matters requiring review by the supervisor include: final versions of pleadings, motions, briefs, and settlement agreements; final drafts of formal written memoranda of advice to client; final drafts of citizen letters; and final drafts of proposed attorney general opinions.

- 18. What kind of physical effort do you use in your position? What environmental conditions are you physically exposed to in your position? Indicate the amount of time and intensity of each activity and condition. Refer to instructions on page 2.**

Job duties are performed primarily in an office setting, which may require long periods of computer and office equipment usage. Travel may be involved. Lifting of heavy or large case files or brief cases may be required.

- 19. List the names and classification titles of classified employees whom you immediately supervise or oversee on a full-time, on-going basis. (If more than 10, list only classification titles and the number of employees in each classification.)**

<u>NAME</u>	<u>CLASS TITLE</u>	<u>NAME</u>	<u>CLASS TITLE</u>
N/A			

24. Indicate specifically how the position's duties and responsibilities have changed since the position was last reviewed.

They have not changed.

25. What is the function of the work area and how does this position fit into that function?

Attorney serving in this position will be a senior or staff attorney providing legal services to the UIA as a member of the Unemployment Section of the Labor Division. The attorney handles legal assignments as required by the Division Chief, First Assistant, or Section Head.

26. In your opinion, 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:

As described in applicable civil service job specifications.

KNOWLEDGE, SKILLS, AND ABILITIES:

Knowledge of fundamental subjects of law. Knowledge of research procedures. Ability to prepare briefs and argue cases before state and federal courts and agencies. Knowledge of court procedures. Knowledge of policy, 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.

CERTIFICATES, LICENSES, REGISTRATIONS:

Membership in good standing with the State Bar of Michigan.

NOTE: Civil Service approval of this position does not constitute agreement with or acceptance of the desirable qualifications for this position.

27. 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's Signature

Date

TO BE FILLED OUT BY APPOINTING AUTHORITY

28. Indicate any exceptions or additions to the statements of the employee(s) or supervisor.

29. I certify that the entries on these pages are accurate and complete.

Appointing Authority's Signature

Date