

<b>1. Position Code</b>
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**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.**

<b>2. Employee's Name (Last, First, M.I.)</b>	<b>8. Department/Agency</b> Attorney General
<b>3. Employee Identification Number</b>	<b>9. Bureau (Institution, Board, or Commission)</b> State Regulatory Practice Group
<b>4. Civil Service Classification of Position</b> Attorney Staff-E -or- Attorney Senior-A	<b>10. Division</b> Labor
<b>5. Working Title of Position (What the agency titles the position)</b> Assistant Attorney General	<b>11. Section</b> Regulatory
<b>6. Name and Classification of Direct Supervisor</b> Jessica L. Mullen, Attorney Administrator - 18	<b>12. Unit</b>
<b>7. Name and Classification of Next Higher Level Supervisor</b> Jason Hawkins, Attorney Administrator - 19	<b>13. Work Location (City and Address)/Hours of Work</b> Lansing or Detroit 8:00am to 5:00 pm – Monday thru Friday

**14. General Summary of Function/Purpose of Position**  
As an attorney in the Labor Division and under the general supervision of the Division Chief, the First Assistant, or Section Head, the incumbent in this position handles legal assignments of varying complexity. Working with varying levels of independence, the attorney provides legal representation for a wide range of the Division's and the Section's client agencies. 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 client agencies in contested administrative hearings, representation in federal and state court litigation, and appellate representation in all levels of federal and state courts.

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**

Represent the Michigan Occupational Safety and Health Administration (MIOSHA) in citation appeal cases or other special litigation. Provide day-to-day oral and written legal advice and opinions to MIOSHA staff.

**Individual tasks related to the duty.**

- Meet with client staff and management to discuss underlying case issues and facts and develop strategy.
- Review and assess the case and evidence supporting the agency's position.
- Determine what witnesses will be necessary to present the agency's case and, if necessary, obtain subpoenas to secure the appearance of non-client witnesses.
- Conduct discovery-related activities, such as representing client staff in depositions, responding to interrogatories or other written requests, and responding to document subpoenas.
- Participate in telephone or in-person conferences with the administrative law judge and opposing parties on matters ranging from routine scheduling issues to contested motions.
- Advise MIOSHA on settlement matters, such as the reduction of penalties, dismissal or grouping of citations, or reduction in classification.
- File or respond to written motions.
- Prepare witnesses for deposition or hearing testimony.
- Prepare exhibits for introduction at hearing.
- Represent MIOSHA at the contested hearing, from the opening statement to direct and cross-examination of witnesses to closing arguments and briefing.
- Draft and file closing arguments by brief.
- Represent MIOSHA at all stages of appellate judicial review.

Duty 2

**General Summary of Duty 2**                      **% of Time 20**

Represent the Michigan Civil Service Commission in appeals of final agency decisions, other special litigation, or general legal advice of varying complexity. Provide day-to-day oral and written legal advice and opinions to Commission staff.

**Individual tasks related to the duty.**

- Review claims of appeal filed in circuit court to determine timeliness and compliance with governing court rules.
- Identify and track relevant case deadlines, including briefing deadlines, oral argument, and appellate deadlines.
- Review opposing appeal briefs and formulate substantive responses and strategy for the Commission's appeal brief.
- Develop, research, and draft the legal arguments supporting the Commission's position on appeal.
- Draft the briefs for filing in the circuit court in accordance with the Division's internal deadlines to allow for Section Head, First Assistant, or Division Chief review and feedback.
- Present oral argument to the circuit court and higher appellate courts.
- Represent the Commission at all stages of appellate judicial review and in other civil litigation for which the Commission may be named as a party.

Duty 3

**General Summary of Duty 3**

**% of Time 20**

General litigation work in federal and state courts. Given the broad range of agencies the Section represents, those agencies and their officers/employees may be named as defendants in litigation in federal district court or various courts in Michigan, including circuit court and the Court of Claims, in a wide range of matters.

**Individual tasks related to the duty.**

- Prepare pleadings, motions, answers, affirmative defenses, and briefs that may involve legal research and document review.
- Meet with client agency staff and management to discuss case strategy and formulate responses.
- Conduct and respond to discovery as required.
- Identify, monitor, and comply with all relevant case deadlines.
- Meet with and prepare witnesses for deposition or trial testimony.
- Appear and argue at motion hearings.
- Prepare for and conduct trial, if necessary.

Duty 4

**General Summary of Duty 4**

**% of Time 20**

Provide oral or written legal advice to other Regulatory Section client agencies, including but not limited to the Michigan Rehabilitation Services, Workers' Disability Compensation Agency, Bureau of Construction Codes, Michigan Employment Relations Commission, and the Office of State Employer.

**Individual tasks related to the duty.**

- Advise client agencies on all matters related to the administration of their various duties, obligations, and programs.
- Provide written advice by email, letter, or memorandum.
- Review documents created by client agencies and provide substantive feedback regarding legal issues.
- Draft formal advice for review by Section Head, First Assistant, and/or Division Chief.
- Research legal questions of varying complexity and formulate an answer on the question or issues.

Duty 5

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

Special assignments involving novel, intricate, or non-routine issues that arise from one of the Division's other sections or from the Executive office.

**Individual tasks related to the duty.**

- Receive research assignments directly from the Division Chief, First Assistant, or Executive office.
- Research legal questions and formulate an answer or guidance.
- Draft any necessary written advice or answers, including email, letter, internal memorandum, or Division-Level advice memorandum.
- Work with staff from other Divisions, the Executive office, non-client agencies, or the Governor's office.
- Draft legal briefs and present oral argument to courts.

Duty 6

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

**Individual tasks related to the duty.**

- 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 varying levels of discretion in handling oral inquiries for advice from clients, and in negotiating with opposing counsel on matters short of ultimate settlement issues, litigation strategy, formulating answers and guidance on legal questions, and crafting legal arguments in various cases. In general, the degree of independence will vary with the complexity of the case or assignment.

- 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 clients; 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. Some lifting of heavy and/or large case files or briefcases.

- 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			


20. My responsibility for the above-listed employees includes the following (check as many as apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Complete and sign service ratings. | <input type="checkbox"/> Assign work.                      |
| <input type="checkbox"/> Provide formal written counseling. | <input type="checkbox"/> Approve work.                     |
| <input type="checkbox"/> Approve leave requests.            | <input type="checkbox"/> Review work.                      |
| <input type="checkbox"/> Approve time and attendance.       | <input type="checkbox"/> Provide guidance on work methods. |
| <input type="checkbox"/> Orally reprimand.                  | <input type="checkbox"/> Train employees in the work.      |

21. *I certify that the above answers are my own and are accurate and complete.*

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

**NOTE: Make a copy of this form for your records.**

**TO BE COMPLETED BY DIRECT SUPERVISOR**

22. Do you agree with the responses from the employee for Items 1 through 20? If not, which items do you disagree with and why?

23. What are the essential duties of this position?

Thoroughly understand the statutory and administrative authority of the Section's client agencies. Provide oral or written legal guidance to these clients, and represent these clients in civil courts or administrative proceedings.

**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 various client agencies as a member of the Regulatory 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/or 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