

**State of Michigan
Civil Service Commission**

Capitol Commons Center, P.O. Box 30002
Lansing, MI 48909

Position Code

1. STDIVADMH41N

POSITION DESCRIPTION

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 CIV RGHT CENTRAL OFFICE
3. Employee Identification Number	9. Bureau (Institution, Board, or Commission) Enforcement
4. Civil Service Position Code Description STATE DIVISION ADMINISTRATOR	10. Division Legal Affairs
5. Working Title (What the agency calls the position) Director, Office of Legal Affairs	11. Section
6. Name and Position Code Description of Direct Supervisor TREVINO, MARCELINA; STATE BUREAU ADMINISTRATOR	12. Unit
7. Name and Position Code Description of Second Level Supervisor WOOLRIDGE, KIMBERLY C; DEPUTY DIRECTOR	13. Work Location (City and Address)/Hours of Work 3040 W GRAND BLVD; DETROIT, MI 48202 / Monday-Friday 8am-5pm

14. General Summary of Function/Purpose of Position

This position functions as the Director of the Office of Legal Affairs within the Department's Enforcement Division. The office provides legal support to all aspects of the Department's investigations efforts from the initial contact with a claimant through the authorization of a charge or other case disposition. The office also provides legal research support. Additionally, this position provides legal training for new employees and for the continuing education and skill development of MDCR staff, including but not limited to Civil Rights Claims Examiners and Civil Rights Investigators. This office also provides MDCR staff with legal guidance memos.

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: 80

Manage the Department's Investigations Attorneys (Admin. Law Specialists), with minimal direct supervision, in support of the investigative functions of this Department by providing legal counsel to investigators and other staff at all stages of the Department's complaint process. The primary goal of this duty is to guide Civil Rights Investigators to fully investigate and prepare a case for charge where the legal elements can be met, and of equal importance to identify investigations where a legal element cannot be met as early in the process as possible so the investigator may focus on others. The civil rights mission, vision, values, and legal foundation shall guide the incumbent's legal counsel, outreach work, and all other aspects of their work.

Individual tasks related to the duty:

- This position is responsible for directing the activities of the Department's Staff Attorneys (Admin. Law Specialists), assist investigations staff with legally sound decisions in an efficient and expedited manner.
- Participates in investigative decision making by supporting investigations teams' managers and investigators in their work and attending team meetings.
- Counsels intake staff in making appropriate customer assessments.
- Counsels Civil Rights Investigators in identifying jurisdiction, issue identification, analysis of information gathered from respective parties in the informal resolution process, development of appropriate questions for the tailored interrogatory, and development of a case work plan.
- Assists Hearings Attorney by representing the interests of the claimant or state when the Hearings Attorney determines they are different.
- Works with and supports the assigned Assistant Attorney General on all matters requiring judicial action including, but not limited to, efforts to enforce Department/Commission orders.
- Mentors and trains, through classroom and on-the-job training, of staff attorneys, investigation team members and other department staff.
- Assist Hearings Attorney with case and witness preparation as requested.
- Assists in the selection of and assigns staff, assuring equal employment opportunity in hiring, promotion, and other employment practices.
- Supervises, evaluates, and supports the work of staff attorneys (including by reviewing all pleadings filed by 13 (entry) level Administrative Attorneys, while encouraging greater accountability and independence as an attorney gains experience, and empowering attorneys at the 15 (experienced) level.)
- Creates and maintains written processes for the operation of the unit.
- Assures that proper labor relations and conditions of employment are maintained.
- Identifies civil rights legal training needs and creates new trainings to address them.
- Involves staff attorneys in providing training to the teams they counsel.
- Develops, implements and coordinates legal processes with other department program areas.
- Advises teams on the appropriate legal standards to be applied to fact specific situations, as well as on general legal standards to be applied universally.
- Advises staff in the resolution of sensitive, complex, or precedent-setting situations; determines appropriate course of action; assigns responsibilities and monitors actions and responses.
- Directs and reviews research in such areas of program operations as management systems development, assessment of target audience needs, and program evaluation.
- Reviews recent legal opinions by state, federal courts and the Attorney General impacting the enforcement/investigation process and recommends appropriate action.
- Advises the Enforcement Director, Executive Director and, when appropriate the Commission, of program accomplishments.
- Generates public and staff confidence, interest, and participation in agency programs; motivates staff toward the accomplishment of program objectives; influences authorities to favorable actions regarding the program area.
- Assists in the selection of and assigns staff, assuring equal employment opportunity in hiring, promotion, and other employment practices.

Duty 2

General Summary:

Percentage: 5

Manage the Department's research unit, with minimal direct supervision. Unit is responsible for maintaining the Department's library and providing research assistance to department staff.

Individual tasks related to the duty:

- Assists in the selection of and assigns staff, assuring equal employment opportunity in hiring, promotion, and other employment practices.
- Creates and maintains written processes for the operation of the unit.
- Assures that proper labor relations and conditions of employment are maintained.
- Ensures the unit:
 - Regularly updates the library's legal resources.
 - Recommends and purchases resources for library.
 - Keeps library orderly and ensures it is open and available to staff.
 - Maintains a system to permit employees to borrow books from the library (including a way for non-Detroit staff to do so).
 - Aids investigators, including by finding individuals, determining addresses (or updated addresses), and other information that will aid their investigations.
 - Recommends and monitors online legal resources for department's attorneys assuring up to date information is available and costs are appropriate.
 - Monitors expenditures for legal resources and library purchases.

Duty 3

General Summary:

Percentage: 15

General projects and additional duties as assigned.

Individual tasks related to the duty:

- Cover duties assigned to other attorneys on an as needed basis as determined by the Department.
- Collaborate with other attorney colleagues on legal issues and continue skill and issue knowledge development through participation and/or interaction with attorney colleagues.
- Interface as a member of attorney team, with the director, deputies, process manager, among others on complex and/or sensitive issues.
- Attend ongoing legal seminars such as ICLE, State of Michigan Labor and Employment Law, EEOC and HUD trainings to maintain legal expertise.
- Collaborate among attorney team members in researching and analyzing statistical data and identifying emerging issues and trends.
- Collaborate among attorney team members in performing legal research on relevant legislative issues; recommending amendments or legislation and providing supporting materials.
- Assist in supervision of legal interns and externs and in the training of new attorneys.
- Assist in identifying pattern and practice cases, high impact cases, and MDCR initiated complaints.
- In consultation with supervisor(s), prepare background papers in response to legal questions and as policy positions.
- Prepare and conduct training sessions for teams and outside customers.
- Continue legal and professional development.
- Identify resources which can be used to enhance agency and/or individual performance.
- Read publications on national and state human civil rights issues, department memos, position statements, press releases, developments in the civil rights field, and case records.
- Participates in training as assigned.
- Works on special projects as assigned.
- Follows through on all assignments.
- Conducts legal research and analysis as requested by Director of Law and Policy and provide written memoranda for investigators on issues related to frequently identified concerns in cases reviewed and/or frequently asked questions.
- Provide information to MDCR customers by way of personal contacts, telephone calls, technical assistance, and presentations.
- Participate in legal seminars and panels, as assigned, to present and explain agency procedures and civil rights law to the public, and to attorneys representing entities covered by such laws.
- Prepare summaries and outlines of cases decided by the Commission and as determined by agency operations.
- Make oral presentations as assigned to various MDCR colleagues and public groups. Prepare legal summaries and analytical summaries.
- Prepare summaries of civil rights cases and other legal development for distribution to staff and commissioners. Identify and develop issues for development of rules and guidelines; and prepare supporting materials.
- Serve on committees created by the Director and/or other executives to further MDCR objectives and goals.

16. Describe the types of decisions made independently in this position and tell who or what is affected by those decisions.

Decisions regarding jurisdiction, pre-emption, and other defenses to complaints under investigation. Decisions on whether to proceed to administrative hearing with cases which were unsuccessful in conciliation. Strategies for presentation of cases going to hearing affect the department, claimants, respondents, and colleagues directly involved in each case. Conducting and participating in hearings which result in changes in and development of department case law.

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

Recommendations on colleagues' training. Recommendations regarding position on pending civil rights legislation and administrative rules or guidelines, or other legislation affecting the department. Responding to various policy questions and issues. Issuance of the actual charge of discrimination.

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.

Reading, writing, using a computer, electronic mail and telephone and audio-video appliances. Conducting electronic legal research, using a library, driving, and public speaking. Occasionally dealing with irate and threatening persons. Regularly making spontaneous legal arguments and decisions, often under stressful conditions.

19. List the names and position code descriptions of each classified employee whom this position immediately supervises or oversees on a full-time, on-going basis.

Additional Subordinates

20. This position's responsibilities for the above-listed employees includes the following (check as many as apply):

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

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

Yes

23. What are the essential functions of this position?

This position functions as the Director of the Office of Legal Affairs within the Department's Enforcement Division. This office provides legal support to all aspects of the Department's investigations efforts from the initial contact with a claimant through the authorization of a charge or other case disposition. This position manages the Department's Staff Attorneys in support of the investigative functions of the Department by providing legal counsel to investigators and other staff involved in the Department's complaint process. These include providing legal counsel, drafting legal opinions, charges of discrimination and orders. Also includes significant legal research. The duties also include the representation of claimants at department administrative hearings.

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

This position is being updated to reflect the removal of the FOIA duties as it no longer oversees that unit. The position remains the Director of the Office of legal affairs and the main duties and responsibilities remain unchanged.

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

The work area is made up of several Administrative Law Specialists. The function of the work area is to provide legal services and legal counsel to department colleagues, the director and commission.

26. What are the minimum education and experience qualifications needed to perform the essential functions of this position.

EDUCATION:

Possession of a bachelor's degree in any major.

EXPERIENCE:

State Division Administrator 17

Two years of experience as a professional manager or program/staff specialist, or equivalent experience.

Alternate Education and Experience**State Division Administrator 17**

Education level typically acquired through completion of high school and three years of safety and regulatory or law enforcement experience at the 14 level; or, two years of safety and regulatory or law enforcement experience at the 15 level, may be substituted for the education and experience requirements.

KNOWLEDGE, SKILLS, AND ABILITIES:

Thorough knowledge of applicable legal principles, agency procedures, and good knowledge of management methods. Good interpersonal abilities, public speaking ability, and ability to express complex ideas clearly and concisely, both orally and in writing. A respect and awareness for a culturally diverse work environment. Additionally, see classification specifications.

CERTIFICATES, LICENSES, REGISTRATIONS:

Membership in State Bar of Michigan

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

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

TO BE FILLED OUT BY APPOINTING AUTHORITY

Indicate any exceptions or additions to the statements of employee or supervisors.

N/A

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

BERNITA KISSANE

11/18/2022

Appointing Authority

Date

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.

Employee

Date