CS-214

**Position Code**

Rev 11/2013

# State of Michigan Civil Service Commission

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

**POSITION DESCRIPTION**

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| This position description serves as the official classification document of record for this position. Please complete this form 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** |
|  | Attorney General |
| **3.Employee Identification Number** | **9.Bureau (Institution, Board, or Commission)** |
|  | Environment and Government Operations |
| **4.Civil Service Position Code Description** | **10.Division** |
| Attorney Staff-E | State Operations Division |
| **5.Working Title (What the agency calls the position)** | **11.Section** |
| Staff Attorney  | Administrative |
| **6.Name and Position Code Description of Direct Supervisor** | **12.Unit** |
| Patrick FitzgeraldAttorney Administrator 1 |    |
| **7.Name and Position Code Description of Second Level Supervisor** | **13.Work Location (City and Address)/Hours of Work** |
| Jennifer JacksonAttorney-Administrator 2 | 525 W. Ottawa St., Lansing, MI; 8 a.m. to 5 p.m., Monday-Friday, with additional hours, as necessary. In person & hybrid. |
| **14. General Summary of Function/Purpose of Position** |
| As a staff-level attorney, the incumbent handles various legal assignments. Under the supervision of the Division Chief, First Assistant or Attorney Manager, the incumbent will routinely draft legal opinions and provide day-to-day legal representation of various state agencies, including representation in administrative proceedings and state and federal courts. The incumbent will also review and perform analyses regarding legislative bills and statutes, issue guidance and opinions regarding compliance with applicable state and federal statutes and regulations. |

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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 of Duty 1 % of Time 40** Provide legal counsel to the Department and state agencies on Freedom of Information (FOIA) and Open Meetings Act (OMA) matters.  |
| **Individual tasks related to the duty.*** Provide legal advice regarding statutory requirements of and exemptions under the FOIA.
* Review, approve and assist in the drafting of written FOIA notices.
* Conduct document review of FOIA document productions.
* Represent the Department and state agencies in administrative matters, civil litigation, and

 appeals in state and federal forums for the State, its departments, agencies, officers, and employees  related to the Freedom of Information Act and the Open Meetings Act.* Prepare pleadings, briefs, and other legal documents to obtain a successful resolution of litigation.
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| Duty 2**General Summary of Duty 2 % of Time 40**Provide legal counsel to the Governor and Attorney General on significant legal issues presented by or impacting local units of government and municipalities.  |
| **Individual tasks related to the duty.**The incumbent will provide legal review and provide legal advice and opinions on municipal legal issues, including charters and charter amendments, questions related to the Home Rule City Act, interlocal agreements, incompatibility issues and representation of the State Boundary Commission. * Review and provide legal advice regarding proposed charter amendments and revisions to the

 Governor.* Review and provide legal advice regarding the Attorney General’s statutorily required review of

 Charters. * Review and provide legal advice regarding removal from office requests to the Governor.
* Review and provide legal advice related to the Urban Cooperation Act and interlocal agreements.
* Provide legal advice to the State Boundary Commission, represent the State Boundary Commission in administrative matters and litigation.
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| Duty 3**General Summary of Duty 3 % of Time 20**Provide legal advice and perform other legal duties as needed.  |
| **Individual tasks related to the duty.**Tasks will vary, but may include: providing oral or written legal guidance to client agencies, drafting formal and informal opinions for the Attorney General, reviewing draft legislation, providing oral or written guidance and division level legal advice to client agencies, responding to citizen letters, training client agencies and Department staff.  |
| Duty 4**General Summary of Duty 4 % of Time**  |
| **Individual tasks related to the duty.** |

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| Duty 5**General Summary of Duty 5 % of Time**  |
| **Individual tasks related to the duty.** |
| Duty 6**General Summary of Duty 6 % of Time**  |
| **Individual tasks related to the duty.** |

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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.**The incumbent makes the types of decisions encountered when assisting government clients in properly applying the law, providing preventative counselling and when representing government clients in litigation. In general, the degree of independence will vary with the complexity of the assignment.  |
| **17. Describe the types of decisions that require the supervisor’s review.**All written documents and legal advice having broad ramifications to the state, the public, or specific departmental operations are reviewed with the Attorney Manager, First Assistant, or Division Chief upon completion of appropriate legal research and prior to recommendation of the solution to the issue being addressed. Decisions involving filing of court pleadings, including claims, appeals, retention of expert witnesses, and settlement. |
| **18. What kind of physical effort is used to perform this job? What environmental conditions is 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, which may require long periods of computer and office equipment usage. The work may also require attending meetings, court proceedings, administrative hearings, depositions, etc., which may entail travel and transporting legal files, related materials, and audio and video equipment to other sites. |
| **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. (If more than 10, list only classification titles and the number of employees in each classification.)** |
| **NAME** | **CLASS TITLE** | **NAME** | **CLASS TITLE** |
| N/A |  |  |  |
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| **20. This position’s responsibilities for the above-listed employees includes the following (check as many as apply):** **Complete and sign service ratings. Assign work.** **Provide formal written counseling. Approve work.** **Approve leave requests. Review work.** **Approve time and attendance. Provide guidance on work methods.** **Orally reprimand. 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?**Yes. |
| **23. What are the essential functions of this position?**To provide legal advice and representation to the Department and state agencies regarding the FOIA, OMA and municipal legal matters.  |
| **24. Indicate specifically how the position’s duties and responsibilities have changed since the position was last reviewed.**N/A |
| **25. What is the function of the work area and how does this position fit into that function?**The State Operations Division has a diverse legal practice. Legal services are provided to a variety of state agencies, including DTMB, MSP, MSHDA, Michigan Education Trust, Michigan Strategic Fund, Michigan State Public Safety Communications System, and the Office of Retirement Services, among others. In addition, the Division provides legal advice, training, and representation for all of state government on matters related to FOIA and OMA. The Division manages the eDiscovery contract with the state’s vendor and provides legal advice and litigation support on eDiscovery to the Department and legal advice on eDiscovery issues to all state agencies. The Division also handles litigation and administrative hearings along with a significant appellate practice. This position focuses on providing legal assistance regarding the FOIA, OMA and municipal legal issues.  |

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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 doctor degree from an accredited school of law. |
| **EXPERIENCE:**No specific type or amount is required. |
| **KNOWLEDGE, SKILLS, AND ABILITIES:**Knowledge of fundamental subjects of law, research procedures, court procedures, practices, and procedures of the Department. Ability to communicate effectively both verbally and in writing, to use judgment, tact, and discretion, to analyze facts and draw logical conclusions, and to maintain accurate records. |
| **CERTIFICATES, LICENSES, REGISTRATIONS:**Membership in good standing in the Michigan State Bar Association.  |
| ***NOTE: Civil Service approval of this position does not constitute agreement with or acceptance of the desirable qualifications for 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’s Signature Date** |
| **TO BE FILLED OUT BY APPOINTING AUTHORITY** |
| **Indicate any exceptions or additions to statements of the employee(s) or supervisors.** |
| ***I certify that the entries on these pages are accurate and complete.*** **Appointing Authority Signature Date** |
| **TO BE FILLED OUT BY EMPLOYEE** |
| ***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’s Signature Date** |

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