



STATE OF ALASKA

Position Description

**Position Control
Number (PCN):**

019037

Class Title:
Attorney II

Recruitment Type: Flexibly Staffed

1. Position Control Information	
Class Title: Attorney II	Code: P7143 Range: 20
Bargaining Unit: Partially Exempt and Exempt Executive Branch Employees	Bargaining Unit Code: XE
Department: Office of the Governor	Department Number: 01
Division: Human Rights Commission	
Region/Section/Unit: Hearing Unit	
Location: Anchorage	Location Code: EBA
Position Type: Partial Exempt Full Time	Position Type Code: PXFT
FLSA Exempt: Yes Yes	Strike Class: N
Position requires possession of a Commercial Drivers License (CDL):	No
Position requires possession of, or access to, firearms or ammunition:	No
Home Unit: Z372	
AKPAY Organizational Routing Code: 01013702	
Physical Work Address: 800 A Street, Suite 204, Anchorage	
Work Phone: 907-276-7474	
Supervisor Information	
PCN: 019025 Title: Attorney IV	
Physical Work Address: 800 A Street STE 204 Anchorage	
Work Phone: 907-276-7474	

Type of Action:	Establish Flexible Staffing, Update
Effective Date:	12/31/2007
Division of Personnel Section:	Classification
Reviewed By:	Virginia Breeze, Human Resource Specialist I, on 12/31/2007
Approved By:	Aimee Olejasz, Human Resource Specialist II, on 12/31/2007
Closed out by:	Kelly Gohl, Human Resource Technician II, on 12/31/2007

2. Duties

2.1. In one or two sentences, state the main purpose of the position.

Prepare cases for public hearing before the Commission. The Attorney II will prepare and respond to discovery, draft pleadings, memoranda, and correspondence, conduct legal research, and in some instances, present cases at public hearing.

2.2. Starting from the most to the least important, list the functional areas assigned to the position. Within each functional area, describe the duty statement associated; estimate the percentage of time spent performing the duties; and define each area as essential (E) or marginal (M).

Functional Area Title: Attorney II		
E/M	% of Time	Duty Statement
E	15 %	Prepare detailed discovery requests by drafting interrogatories, requests for production, and requests for admissions, and coordinating with complainants to produce necessary documents.
E	15 %	Prepare responses to interrogatories, requests for production, and requests for admissions.
E	5 %	Review and discover facts of each case in the Commission's Hearing Unit and analyze facts and evidence as they pertain to the applicable law.
E	10 %	Interview witnesses and coordinate witness testimony at hearings.
E	5 %	Draft summaries of witness interviews.
E	10 %	Compile evidence and prepare exhibits and exhibit lists for hearings.
E	10 %	Communicate with complainants to provide and gather information relating to complainants' cases.
E	20 %	Conduct legal research and draft pleadings, motions, correspondence, and other documents.
M	3 %	Organize trial/hearing notebooks.
M	2 %	Maintain files.
E	5 %	Present cases at public hearings.

Percentage Total: 100%

3. Other Work Details

3.1. List the computer software and hardware used to perform the duties described. Estimate how often each is used (e.g. daily, 2-3 times a week, 1-2 times a month, etc.).

Desktop computer and printer; Microsoft Word and Excel.

3.2. List the equipment and materials used to perform the duties described, including machinery, tools, instruments, vehicles, etc. Estimate how often each is used (e.g. daily, 2-3 times a week, 1-2 times a month, etc.).

Telephone; copier; fax machine.

3.3. List the guides and references regularly used to perform the duties described. Examples include federal and state laws and regulations, professional standards, building codes, trade practices, contracts, and policy and procedure manuals. Explain how and why these guides and references are used. Estimate how often each is used (e.g. daily, 2-3 times a week, 1-2 times a month, etc.).

State Statutes - AS 18.80

Commission Regulations - 6 AAC 30

Federal Title VII of the Civil Rights Act; Americans with Disabilities Act; Age Discrimination in Employment Act

Alaska Rules of Civil Procedure

Alaska Rules of Evidence

Alaska Code of Professional Conduct

3.4. Describe the level of authority and independence the incumbent of the position exercises. List the actions the incumbent takes or the decisions the incumbent makes on a regular basis without obtaining prior approval from a higher level employee. For example, explain how the position has the authority to commit the organization, or any parts thereof, to a course of action.

Call complainants and witnesses regarding fact-finding, and scheduling.

Draft discovery requests.

Review correspondence, motions, and pleadings.

Draft correspondence.

Take depositions.

3.5. Describe the nature of the contacts the incumbent has with other people in order to perform the duties described. Include who is contacted, the reason for the contact, and how often the contact is made.

Contact with complainants weekly to develop facts, apprise them of case progress, explore settlement;

contact with opposing counsel weekly to discuss motions and other filings; contact with witnesses daily to develop facts.

3.6. Describe the consequence of an error made by a prudent employee in the performance of the essential functions assigned to the position. What is the consequence of that error to individuals, operations, and programs?

An error made at a public hearing could result in an adverse finding against a complainant and a denial of their rights; an error made in research could result in loss of a motion or position at hearing and loss of a complainant's right to relief.

3.7. List critical requirements of the position not previously described (e.g., skills in keyboarding, writing, negotiating, communications, etc.).

Must be able to analyze facts as relevant under prevailing legal authority.

Must be able to communicate effectively with complainants, witnesses, and opposing parties and counsel.

3.8. List licenses, certifications, registrations, physical or other standards required by state or federal law or regulation to perform the duties described. Cite the specific authority (e.g. law or regulation, such as the OSHA Bloodborne Pathogens Act).

Member of the Alaska Bar.

4. Work Demands

The following identifies some of the physical and mental demands and potential hazards typically encountered by this position. These are job demands which can be ***reasonably anticipated and are an expectation of the job***.

Keeping in mind the essential functional areas and duty statements described in section 2, select the rating that best matches the requirement of this position according to the following descriptions:

Rating **Description**

Not Required (N): Not required of this position.

Present (P): Requirement **is** present, but **is not** essential to the position. (For example, a receptionist may encounter aggressive or angry people, but this is not an essential assignment.)

Occasional (O): Required 33 percent of the time or less **and** essential to the position. (For example, a lifeguard swims only occasionally, but it is essential that a lifeguard be able to swim; a correctional officer must control aggressive/angry people who are life threatening.)

Frequent (F): Required over 33 percent of the time **and** essential to the position.

Items checked below must be consistent with the duty statements listed in section 2.

4.1 Physical Requirements

Title	Rating			
	N	P	O	F
Sitting				F
Walking		P		
Standing		P		
Running	N			
Jumping	N			
Bending or twisting		P		
Squatting or kneeling		P		
Crawling	N			
Reaching above shoulder level		P		
Reaching below shoulder level			O	
Ascending or descending using a ladder or other conveyance	N			
Climbing stairs		P		
Driving cars, light duty trucks		P		
Driving heavy duty vehicles	N			
Using floor mounted foot controls to operate equipment (e.g., not driving a car)	N			
Repetitive motion of hands/fingers (e.g., keyboarding, turning pages)				F
Fine manipulation with fingers			O	
Pinching with fingers			O	
Grasping with hand, gripping			O	
Load, unload, aim, and fire handguns, shotguns or other firearms	N			

Lifting/carrying up to 25 pounds		P		
Lifting/carrying 26-50 pounds	N			
Lifting/carrying more than 50 pounds	N			
Pushing/pulling up to 25 pounds		P		
Pushing/pulling 26-50 pounds		P		
Pushing/pulling more than 50 pounds	N			
Balancing on moving surfaces	N			
Balancing on narrow surfaces	N			
Balancing on slippery surfaces	N			
Balancing on uneven surfaces	N			
Restraining/grappling with people in a public protection environment	N			
Seeing objects at a distance		P		
Seeing objects peripherally		P		
Using depth perception		P		
Seeing close work (e.g., typed print)				F
Distinguishing colors		P		
Hearing conversations or sounds				F
Hearing via radio or telephone				F
Communicating through speech				F
Communicating by writing/reading				F
Distinguishing odors by smell	N			
Distinguishing tastes	N			

4.2 Work Environment

Title	Rating			
	N	P	O	F
Work in/exposure to inclement weather	N			
Work in/exposure to cold water	N			
Work/live in remote field sites	N			
Work in confined areas (under desks, in heating vents, etc.)	N			
Exposure to dust, chemicals, or fumes	N			
Exposure to hazardous equipment (e.g., guns, chainsaws, explosives)	N			
Exposure to electrical current (not outlets)	N			
Swimming/scuba diving	N			
Work at heights up to 25 feet (e.g., towers, poles)	N			
Work at heights over 25 feet (e.g., towers, poles)	N			
Work in urban or highway traffic (other than driving)	N			
Work around moving machinery or mobile equipment	N			
Work around moving mechanical parts	N			
Work on and off moving equipment	N			
Work on slippery or uneven surfaces	N			
Work/travel in boat/small aircraft/helicopters		P		

Exposure to high noise levels	N			
Exposure to infection, germs, or contagious diseases (e.g., hospital, lab, clinic, etc.)	N			
Exposure to blood, body fluid, or materials potentially contaminated by blood or body fluids (e.g., hospital, lab, clinic, public protection environment)	N			
Exposure to needles or sharp implements (e.g., hospital, kitchens)	N			
Use of hot equipment (e.g., kitchen ovens, lab equipment)	N			
Exposure to wild/dangerous animals	N			
Exposure to insect bites or stings	N			
Exposure to aggressive/angry people in a public protection environment		P		

4.3 Other Work Demands

Title	Rating			
	N	P	O	F
There are no other work demands.				

4.4. Explain any special physical, mental, or behavioral requirements of the position that have not already been addressed.

None.

5. Supervisory Authority

This page must be completed if PCN **019037** is assigned supervisory or lead level authority (this includes Labor, Trades and Crafts foreman positions). In the chart below, list each position PCN **019037** supervises or leads. Record **019037**'s level of authority for each area of responsibility according to the definitions below. Subordinate positions listed must be consistent with those reflected on the staffing chart, and levels of authority must be substantiated in all other applicable portions of the PD (i.e. duties, guides, actions, decisions).

Note: These ratings are not dependent upon whether the position has actually exercised the authority, but rather what level is assigned.

Level Definition of Level of Authority Assigned

- 1 = Has authority to take action; notification to supervisor may or may not be necessary afterward.
- 2 = Effectively recommends and discusses decision with supervisor; then takes action.
- 3 = Presents recommendations to supervisor; supervisor makes decision and directs position to take action.
- 4 = No authority to take or recommend action.

Is PCN **019037** assigned supervisory or lead level authority for one or more of the responsibilities listed in the chart below? **No** If no, skip this section.

PCN 019037 's Responsibilities and Assigned Level of Authority									
Positions Directly Supervised or Led by PCN 019037	Employ (includes authority to hire, transfer, layoff, OR recall)	Discipline (includes authority to suspend, demote, OR issue written warnings)	Discharge	Adjudicate Grievances (includes authority to respond to a first level grievance under a collective bargaining agreement)	Assign Work	Set Task Priorities	Check Quality of Work	Evaluate Performance	Instruct & Train Staff
None									



STATE OF ALASKA

Position Description

**Position Control
Number (PCN):**

019037

Class Title:
Attorney III

Recruitment Type: Flexibly Staffed

1. Position Control Information	
Class Title: Attorney III	Code: P7144 Range: 22
Bargaining Unit: Partially Exempt and Exempt Executive Branch Employees	Bargaining Unit Code: XE
Department: Office of the Governor	Department Number: 01
Division: Human Rights Commission	
Region/Section/Unit: Hearing Unit	
Location: Anchorage	Location Code: EBA
Position Type: Partial Exempt Full Time	Position Type Code: PXFT
FLSA Exempt: Yes Yes	Strike Class: N
Position requires possession of a Commercial Drivers License (CDL):	No
Position requires possession of, or access to, firearms or ammunition:	No
Home Unit: Z372	
AKPAY Organizational Routing Code: 01013702	
Physical Work Address: 800 A Street, Suite 204, Anchorage	
Work Phone: 907-276-7474	
Supervisor Information	
PCN: 019025 Title: Attorney IV	
Physical Work Address: 800 A Street STE 204 Anchorage	
Work Phone: 907-276-7474	

Type of Action:	Establish Flexible Staffing, Update
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Approved By:	Aimee Olejasz, Human Resource Specialist II, on 12/31/2007
Closed out by:	Kelly Gohl, Human Resource Technician II, on 12/31/2007

2. Duties

2.1. In one or two sentences, state the main purpose of the position.

Prepare and present public hearing cases before the Commission. The Attorney III will prepare and respond to discovery, draft pleadings, memoranda, and correspondence, conduct legal research, and present less complex cases at public hearing.

2.2. Starting from the most to the least important, list the functional areas assigned to the position. Within each functional area, describe the duty statement associated; estimate the percentage of time spent performing the duties; and define each area as essential (E) or marginal (M).

Functional Area Title: Attorney III		
E/M	% of Time	Duty Statement
E	15 %	Prepare detailed discovery requests by drafting interrogatories, requests for production, and requests for admissions, and coordinating with complainants to produce necessary documents.
E	15 %	Prepare responses to interrogatories, requests for production, and requests for admissions.
E	5 %	Review and discover facts of each case in the Commission's Hearing Unit and analyze facts and evidence as they pertain to the applicable law.
E	10 %	Interview witnesses and coordinate witness testimony at hearings.
E	5 %	Draft summaries of witness interviews.
E	10 %	Compile evidence and prepare exhibits and exhibit lists for hearings.
E	10 %	Communicate with complainants to provide and gather information relating to complainants' cases.
E	20 %	Conduct legal research and draft pleadings, motions, correspondence, and other documents.
E	10 %	Present cases at public hearings.

Percentage Total: 100%

3. Other Work Details

3.1. List the computer software and hardware used to perform the duties described. Estimate how often each is used (e.g. daily, 2-3 times a week, 1-2 times a month, etc.).

Desktop computer and printer; Microsoft Word and Excel.

3.2. List the equipment and materials used to perform the duties described, including machinery, tools, instruments, vehicles, etc. Estimate how often each is used (e.g. daily, 2-3 times a week, 1-2 times a month, etc.).

Telephone, copier, fax machine.

3.3. List the guides and references regularly used to perform the duties described. Examples include federal and state laws and regulations, professional standards, building codes, trade practices, contracts, and policy and procedure manuals. Explain how and why these guides and references are used. Estimate how often each is used (e.g. daily, 2-3 times a week, 1-2 times a month, etc.).

State Statutes - AS 18.80

Commission Regulations - 6 AAC 30

Federal Title VII of the Civil Rights Act; Americans with Disabilities Act; Age Discrimination in Employment Act

Alaska Rules of Civil Procedure

Alaska Rules of Evidence

Alaska Code of Professional Conduct

3.4. Describe the level of authority and independence the incumbent of the position exercises. List the actions the incumbent takes or the decisions the incumbent makes on a regular basis without obtaining prior approval from a higher level employee. For example, explain how the position has the authority to commit the organization, or any parts thereof, to a course of action.

Call complainants and witnesses regarding fact-finding and scheduling.

Draft discovery requests.

Review correspondence, motions, and pleadings.

Draft correspondence.

Take depositions.

3.5. Describe the nature of the contacts the incumbent has with other people in order to perform the duties described. Include who is contacted, the reason for the contact, and how often the contact is made.

Contact with complainants weekly to develop facts, apprise them of case progress, explore settlement;

contact with opposing counsel weekly to discuss motions and other filings; contact with witnesses daily to develop facts; contact with the Office of Administrative Hearings monthly to discuss status, motions, hearings.

3.6. Describe the consequence of an error made by a prudent employee in the performance of the essential functions assigned to the position. What is the consequence of that error to individuals, operations, and programs?

An error made at a public hearing could result in an adverse finding against a complainant and a denial of their rights; an error made in research could result in loss of a motion or position at hearing and loss of a complainant's right to relief.

3.7. List critical requirements of the position not previously described (e.g., skills in keyboarding, writing, negotiating, communications, etc.).

Must be able to analyze facts as relevant under prevailing legal authority.

Must be able to communicate effectively with complainants, witnesses, and opposing parties and counsel.

3.8. List licenses, certifications, registrations, physical or other standards required by state or federal law or regulation to perform the duties described. Cite the specific authority (e.g. law or regulation, such as the OSHA Bloodborne Pathogens Act).

Member of the Alaska Bar.

4. Work Demands

The following identifies some of the physical and mental demands and potential hazards typically encountered by this position. These are job demands which can be ***reasonably anticipated and are an expectation of the job***.

Keeping in mind the essential functional areas and duty statements described in section 2, select the rating that best matches the requirement of this position according to the following descriptions:

Rating **Description**

Not Required (N): Not required of this position.

Present (P): Requirement **is** present, but **is not** essential to the position. (For example, a receptionist may encounter aggressive or angry people, but this is not an essential assignment.)

Occasional (O): Required 33 percent of the time or less **and** essential to the position. (For example, a lifeguard swims only occasionally, but it is essential that a lifeguard be able to swim; a correctional officer must control aggressive/angry people who are life threatening.)

Frequent (F): Required over 33 percent of the time **and** essential to the position.

Items checked below must be consistent with the duty statements listed in section 2.

4.1 Physical Requirements

Title	Rating			
	N	P	O	F
Sitting				F
Walking		P		
Standing		P		
Running	N			
Jumping	N			
Bending or twisting		P		
Squatting or kneeling		P		
Crawling	N			
Reaching above shoulder level		P		
Reaching below shoulder level			O	
Ascending or descending using a ladder or other conveyance	N			
Climbing stairs		P		
Driving cars, light duty trucks		P		
Driving heavy duty vehicles	N			
Using floor mounted foot controls to operate equipment (e.g., not driving a car)	N			
Repetitive motion of hands/fingers (e.g., keyboarding, turning pages)				F
Fine manipulation with fingers			O	
Pinching with fingers			O	
Grasping with hand, gripping			O	
Load, unload, aim, and fire handguns, shotguns or other firearms	N			

Lifting/carrying up to 25 pounds		P		
Lifting/carrying 26-50 pounds	N			
Lifting/carrying more than 50 pounds	N			
Pushing/pulling up to 25 pounds		P		
Pushing/pulling 26-50 pounds		P		
Pushing/pulling more than 50 pounds	N			
Balancing on moving surfaces	N			
Balancing on narrow surfaces	N			
Balancing on slippery surfaces	N			
Balancing on uneven surfaces	N			
Restraining/grappling with people in a public protection environment	N			
Seeing objects at a distance		P		
Seeing objects peripherally		P		
Using depth perception		P		
Seeing close work (e.g., typed print)				F
Distinguishing colors		P		
Hearing conversations or sounds				F
Hearing via radio or telephone				F
Communicating through speech				F
Communicating by writing/reading				F
Distinguishing odors by smell	N			
Distinguishing tastes	N			

4.2 Work Environment

Title	Rating			
	N	P	O	F
Work in/exposure to inclement weather	N			
Work in/exposure to cold water	N			
Work/live in remote field sites	N			
Work in confined areas (under desks, in heating vents, etc.)	N			
Exposure to dust, chemicals, or fumes	N			
Exposure to hazardous equipment (e.g., guns, chainsaws, explosives)	N			
Exposure to electrical current (not outlets)	N			
Swimming/scuba diving	N			
Work at heights up to 25 feet (e.g., towers, poles)	N			
Work at heights over 25 feet (e.g., towers, poles)	N			
Work in urban or highway traffic (other than driving)	N			
Work around moving machinery or mobile equipment	N			
Work around moving mechanical parts	N			
Work on and off moving equipment	N			
Work on slippery or uneven surfaces	N			
Work/travel in boat/small aircraft/helicopters		P		

Exposure to high noise levels	N			
Exposure to infection, germs, or contagious diseases (e.g., hospital, lab, clinic, etc.)	N			
Exposure to blood, body fluid, or materials potentially contaminated by blood or body fluids (e.g., hospital, lab, clinic, public protection environment)	N			
Exposure to needles or sharp implements (e.g., hospital, kitchens)	N			
Use of hot equipment (e.g., kitchen ovens, lab equipment)	N			
Exposure to wild/dangerous animals	N			
Exposure to insect bites or stings	N			
Exposure to aggressive/angry people in a public protection environment		P		

4.3 Other Work Demands

Title	Rating			
	N	P	O	F
There are no other work demands.				

4.4. Explain any special physical, mental, or behavioral requirements of the position that have not already been addressed.

None.

5. Supervisory Authority

This page must be completed if PCN **019037** is assigned supervisory or lead level authority (this includes Labor, Trades and Crafts foreman positions). In the chart below, list each position PCN **019037** supervises or leads. Record **019037** 's level of authority for each area of responsibility according to the definitions below. Subordinate positions listed must be consistent with those reflected on the staffing chart, and levels of authority must be substantiated in all other applicable portions of the PD (i.e. duties, guides, actions, decisions).

Note: These ratings are not dependent upon whether the position has actually exercised the authority, but rather what level is assigned.

Level Definition of Level of Authority Assigned

- 1 = Has authority to take action; notification to supervisor may or may not be necessary afterward.
- 2 = Effectively recommends and discusses decision with supervisor; then takes action.
- 3 = Presents recommendations to supervisor; supervisor makes decision and directs position to take action.
- 4 = No authority to take or recommend action.

Is PCN **019037** assigned supervisory or lead level authority for one or more of the responsibilities listed in the chart below? **No** If no, skip this section.

PCN 019037 's Responsibilities and Assigned Level of Authority

Positions Directly Supervised or Led by PCN 019037	Employ (includes authority to hire, transfer, layoff, OR recall)	Discipline (includes authority to suspend, demote, OR issue written warnings)	Discharge	Adjudicate Grievances (includes authority to respond to a first level grievance under a collective bargaining agreement)	Assign Work	Set Task Priorities	Check Quality of Work	Evaluate Performance	Instruct & Train Staff
None									

6. Department Request & Certification

Information at Time of Request

Class Title: Attorney II	Code: P7143	Range: 20
Bargaining Unit: Partially Exempt and Exempt Executive Branch Employees	Bargaining Unit Code:	XE
Department: Office of the Governor	Department Number:	01
Division: Human Rights Commission		
Region/Section/Unit:		
Location: Anchorage	Location Code:	EBA
Position Type: Partial Exempt Full Time	Position Type Code:	PXFT
FLSA Exempt: Yes	Strike Class:	3
Position requires possession of a Commercial Drivers License (CDL):	No	
Position requires possession of, or access to, firearms or ammunition:	No	
Home Unit: Z372		
AKPAY Organizational Routing Code: 01013702		
Physical Work Address: ,		
Work Phone:		
Supervisor Information		
PCN: Title:		
Physical Work Address:		
Work Phone:		

Requested Changes

Class Title: Attorney II	Code: P7143	Range: 20
Attorney III	P7144	22
Region/Section/Unit: Hearing Unit		
Physical Work Address: 800 A Street, Suite 204, Anchorage		
Work Phone: 907-276-7474		
Supervisor Information		
PCN: 019025 Title: Attorney IV		
Physical Work Address: 800 A St Ste 204 Anchorage		
Work Phone: 907-276-7474		

Requested Actions

Establish Flexible Staffing

Reason for the Request

Establish flexible staffing to allow for promotion from Attorney II to Attorney III upon successful completion of training and demonstrated ability to present cases at public hearings.

Certification

Supervisor Designee

I certify that the information provided in this submission is accurate and complete to the best of my knowledge.

Gail Fenumiai, , on 10/25/2007

Division

I certify that the information provided in this submission is accurate and complete to the best of my knowledge.

Paula Haley, Division Director - Px, on 11/09/2007

Department

I certify that the information provided in this submission is accurate and complete to the best of my knowledge and the required budgetary authorization exists to implement the requested action.

Linda Perez, , on 11/09/2007

7. Staffing Chart & Attachments

019037 Staffing Chart

019037 Training Plan

019037 FLSA Determination

8. Classification Analysis

The Human Rights Commission, Office of the Governor, submitted a Position Description for PCN 019037 and requested the reclassification of an Attorney II to a flexibly-staffed Attorney II (Flex II/III). The position is currently vacant, located in Anchorage, and is supervised by PCN 019025 (Attorney IV). Neither supervisory nor lead-level authority is assigned.

Contacts:

Rachel Plumlee (Attorney IV) and Anne Keene (Administrative Manager) were contacted for information about the position. It is noted that the Human Rights Commission wishes to establish flexible staffing to allow for promotion from Attorney II to Attorney III upon successful completion of training and demonstrated ability to present cases at public hearings.

Class Concepts:

Attorney II positions serve as Assistant Attorneys General, Assistant District Attorneys, Assistant Public Defenders, or in any other agency, board, or commission when authorized by the Attorney General. They conduct the agency's routine legal work under general supervision, and learn to assist in the more difficult cases.

This is the initial level of professional law practice following admission to the Alaska State Bar. Attorneys II are assigned to complete routine noncomplex cases or legal problems independently. In such cases/problems, the legal questions or facts are relatively easily resolved in light of well-established or easily determined facts and clearly applicable precedents. Legal sanctions or penalties pursued are relatively minor. Precedents of wider potential impact are rarely involved. Attorneys II also assist more experienced attorneys in more complex cases where considerable research and analysis are needed. Work at this level is typically subject to technical and substantive review. Training and experience are gained in a variety of the agency's work.

Attorney III positions provide legal services of moderate difficulty as an Assistant Attorney General, Assistant District Attorney, Assistant Public Defender, or in any other agency, board, or commission when authorized by the Attorney General.

Attorney III is the first experienced level of professional practice. Attorneys III do a variety of work independently where important precedents or policy matters are not involved. They are expected to determine all the technical (factual and procedural) needs of the cases or legal problems assigned. Completed work is typically reviewed for substantive findings and conclusions. Assigned cases or legal problems are often difficult due to lack of clear precedents, or applicable precedents are arguable due to factual complexity or different constructions that could be placed on the facts or laws or precedents involved. Assignments may require development of an extensive factual record.

Attorney IV positions render legal services of a difficult nature in a variety of fields of law in an office of the Attorney General, the Public Defender, or in any other agency, board or commission when authorized by the Attorney General.

Attorney IV is the typical full working level class. Broad knowledge of legal precedents and trends is required for application to the cases assigned. Attorneys IV provide a variety of legal services and work independently in most cases, and also may assist more senior attorneys with portions of the most complex and exceptional cases of great significance. Attorneys at this level are expected to exercise their own judgment on supervision needed and otherwise to provide complete analysis and response to the problem, subject to review for important policy or precedent effect. Assigned cases or legal problems often involve difficult legal and policy issues or significant potential ramifications. Assignments may also require supervising other attorneys.

Summary of Job Duties:

The Position Description for PCN 019037 describes the work at the second and third levels of the Attorney series. At both levels the position is a Human Rights Commission staff attorney, responsible for providing legal representation for the Commission, consistent with Constitutional guarantees and professional canons.

PCN 019037 at both the Attorney II and Attorney III levels prepares cases for public hearings before the Human Rights Commission, prepares and responds to discovery, drafts pleadings, memoranda and correspondence, and conducts legal research. At the Attorney II level the position in some instances presents cases; at the Attorney III level the position regularly presents cases.

PCN 019037 at both levels, in preparing detailed discovery requests, drafts interrogatories, drafts requests for production and admission, and coordinates with complainants to produce necessary documents. At both levels the position prepares responses to interrogatories and requests for production and for admissions; reviews and discovers facts of each case in the Commission's Hearing Unit; and analyzes facts and evidence as they pertain to applicable law. At both levels the position also interviews witnesses and coordinates witness testimony at hearings; drafts summaries of witness interviews; and compiles evidence and prepares exhibits and exhibit lists for hearings.

PCN 019037 at both the Attorney II and Attorney III level communicates with complainants to provide and gather information relating to complaints' cases; conducts legal research, and drafts pleadings, motions, and correspondence. The position at the Attorney II level also organizes trial and hearing notebooks and maintains files. The position at the Attorney III level has contact with the Office of Administrative Hearings monthly to discuss status, motions, and hearings.

Analysis:

PCN 019037 does not render legal services regarding difficult legal and policy issues with significant potential ramifications, distinguishing characteristics of the Attorney IV job class. Instead, PCN 019037 prepares and presents public hearing cases before the Human Rights Commission, conducting legal research and responding to discovery requests in the organizational effort preceding the hearings. The duties of PCN 019037 at both the Attorney II and Attorney III level are therefore exceeded by the responsibilities of the Attorney IV.

PCN 019037 at the Attorney II level performs work at the initial level of professional law practice following admission to the Alaska State Bar. Work at this level is typically subject to technical and substantive review, and training and experience is gained in a variety of legal proceedings in preparation for public hearings before the Human Rights Commission.

PCN 019037 at the Attorney III level provides legal services of moderate difficulty as the first experienced level of professional practice. The position at this level independently presents public hearing cases before the Commission and is in contact with the Office of Administrative Hearings monthly to discuss status, motions, and hearings.

As a flexibly staffed position, the Human Rights Commission may request reallocation to the higher level when: the incumbent completes the approved flex training plan for the next higher level; the supervisor certifies that the incumbent has met the minimum qualifications for the higher job class; and, the incumbent is capable of performing at the higher level.

Conclusion:

PCN 019037 is allocated to Attorney II (Flex II/III). The position is in the partially exempt service per AS 39.25.120(3). The position at all levels meets the professional criteria for exemption under the Fair Labor Standards Act and is not eligible for overtime.