

2. Duties

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

This position acts as the lead lawyer in cases of discrimination that have been found to have substantial evidence and are designated for public hearing before an administrative law judge. This person also serves as a legal advisor for the Executive Director and staff regarding complex legal questions arising in investigations of discrimination complaints. He/she works with the Chief of Enforcement (Deputy Director) to review investigative determinations for legal sufficiency and resolve substantial evidence findings through conciliation, and may be called on to represent the Commission in some appeals. The position supervises an Attorney II/III and LOA I and is a member of the Management Team.

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: PUBLIC HEARINGS AND APPEALS

E/M	% of Time	Duty Statement
E	50%	Represent the Executive Director at public hearings in cases in which an accusation has been filed. Review cases and make recommendations regarding the filing of an accusation. Independently conduct discovery, analyze and present evidence, identify and interview witnesses, communicate with complainant, prepare and respond to motions, perform legal research and draft pretrial memoranda, participate in settlement negotiations, prepare court orders and other documents, and advise and consult with the Executive Director as needed.

E/M	% of Time	Duty Statement
E	20%	Serve as liaison to the Department of Law representative in appeals, assisting with case preparation and communicating the legal position of the Executive Director. Represent the Commission, as needed, in appeals of investigative findings and hearing decisions. Conduct legal research, prepare appellate briefs, file excerpts of record, and present oral arguments. Advise the Commissioners regarding legal issues related to court proceedings in which the position represents the Commission.

Functional Area Title: SUPERVISION AND STAFF TRAINING

E/M	% of Time	Duty Statement
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E	5%	Provide training, mentoring, and supervision for subordinate attorneys and law office assistants, assigning and delegating work as needed. Provide periodic and as needed performance evaluations. Assist in providing training and mentoring for other attorneys and law office assistants, and for Human Rights Field Representatives. Provide guidance to staff regarding the application of civil rights and anti-discrimination law, regulation, and policy to cases and investigations.
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Functional Area Title: CASE PROCESSING

E/M	% of Time	Duty Statement
E	15 %	Review substantial evidence determinations prepared by Human Rights Field Representatives for consistency with applicable law, recommend findings, revise determinations to ensure consistency with legal standards, and provide guidance for continued investigation where necessary. Serve as conciliator in assigned cases in which substantial evidence of discrimination has been found, negotiating settlements on behalf of the Executive Director.

Functional Area Title: POLICY

E/M	% of Time	Duty Statement
E	10%	Advise the Executive Director regarding the administration of civil rights laws and the day to day administration of the Commission as a member of the senior staff. Research legal issues and undertake policy projects at the request of the Executive Director. Study state and federal legal developments in areas of civil rights, employment discrimination, housing discrimination, civil, evidentiary, administrative, and appellate law and procedure, and provide related training updates. Make recommendations for changes in law, regulation, policy, and practice and prepare draft amendments, regulations, and statutes. Respond to requests both internally and, where appropriate externally, for interpretation of statutes, administrative regulations, and court decisions. Provide information and training to individuals, organizations, and parties about the Alaska State Commission for Human Rights, its policies and procedures, and civil rights laws. Respond to requests for information from attorneys and the public.

Percentage Total: 100%

3. Other Work Detail

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.).

Microsoft Office, Amicus Attorney, Westlaw, Personal Computer, iPhone, Tablet computers and laptops.

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.). N/A

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.).

Alaska Statutes, Alaska Administrative Code, U.S. Code, Code of Federal Regulations, Published Decisions of State and Federal Courts, Alaska State Commission for Human Rights (and orders, ASCHR policies and procedures, State and Federal Rules of Civil, Administrative, and Appellate Procedure, Municipal Ordinances.

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.

Exercise independent judgment and provide complete analysis and response to the problem, subject to review for important policy or precedent effect. Independently provides legal advice and prepares litigation documents, formal opinions, legislation, regulations, rules, contracts and a variety of other legal documents; independently prepares and presents complex cases which may have the effect of substantially broadening or restricting activities of an agency or major public or private interests; independently negotiates complex settlements in consultation with Executive Director.

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.

Works effectively with attorneys, agency representatives and executives, complainants, witnesses, and exchanges case specific complex legal information and positions. Conveys legal information to the public in an understandable format.

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?

Assigned cases or legal problems often involve difficult legal issues (e.g., several and conflicting issues, precedents are lacking or highly arguable) difficult policy issues, or significant potential ramifications. A procedural error could inadvertently waive rights of the complainant or Executive Director; a legal,

judgment, or factual error could weaken or void the represented position or result in successful challenges to enforcement powers over public and private entities and unjustifiably impair parties' major interests.

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

Considerable knowledge of general legal principles and their application with particular reference to the activities and authority of governmental agencies; the state statutes and their judicial interpretation and precedents; the powers, functions and duties of the agency representatives; methods and tactics employed in the prosecution and defense of legal actions in courts or before administrative agencies; methods and procedures involving judicial review of administrative decisions; methods and tactics employed in appellate court work. Ability to analyze highly complex legal documents for clarity and legal sufficiency; assemble, appraise and organize facts and to logically, clearly and concisely present evidence and other matters in accepted oral and written legal forms; work effectively with attorneys, agency officers and executives, and the public. Demonstrated skill in the preparation of briefs, opinions and pleadings, and in carrying out legal research of a difficult nature.

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).

J.D., Admission to the Alaska State Bar and at least four years of legal practice.

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:

- | <u>Rating</u> | <u>Description</u> |
|--------------------------|---|
| 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.

Change the category of Work Demands: Default Work Demands

4.1 Physical Requirements

Title	Rating
Sitting	Frequent
Walking	Frequent
Standing	Frequent
Running	Not Required
Jumping	Not Required
Bending or twisting	Occasional
Squatting or kneeling	Occasional
Crawling	Not Required
Reaching above shoulder level	Present
Reaching below shoulder level	Occasional

Ascending or descending using a ladder or other conveyance	Not Required
Climbing stairs	Present
Driving cars, light duty trucks	Present
Driving heavy duty vehicles	Not Required
Using floor mounted foot controls to operate equipment (e.g., not driving a car)	Not Required
Repetitive motion of hands/fingers (e.g., keyboarding, turning pages)	Frequent
Fine manipulation with fingers	Frequent
Pinching with fingers	Occasional
Grasping with hand, gripping	Occasional
Load, unload, aim, and fire handguns, shotguns or other firearms	Not Required
Lifting/carrying up to 25 pounds	Frequent
Lifting/carrying 26-50 pounds	Occasional
Lifting/carrying more than 50 pounds	Occasional
Pushing/pulling up to 25 pounds	Occasional
Pushing/pulling 26-50 pounds	Present
Pushing/pulling more than 50 pounds	Present
Balancing on moving surfaces	Not Required
Balancing on narrow surfaces	Not Required
Balancing on slippery surfaces	Present
Balancing on uneven surfaces	Not Required
Restraining/grappling with people in a public protection environment	Not Required
Seeing objects at a distance	Not Required
Seeing objects peripherally	Present
Using depth perception	Not Required
Seeing close work (e.g., typed print)	Frequent
Distinguishing colors	Occasional
Hearing conversations or sounds	Frequent
Hearing via radio or telephone	Frequent
Communicating through speech	Frequent
Communicating by writing/reading	Frequent
Distinguishing odors by smell	Not Required
Distinguishing tastes	Not Required

4.2 Work Environment

Title	Rating
Work in/exposure to inclement weather	Present
Work in/exposure to cold water	Not Required
Work/live in remote field sites	Not Required
Work in confined areas (under desks, in heating vents, etc.)	Not Required
Exposure to dust, chemicals, or fumes	Present
Exposure to hazardous equipment (e.g., guns, chainsaws, explosives)	Not Required
Exposure to electrical current (not outlets)	Not Required
Swimming/scuba diving	Not Required
Work at heights up to 25 feet (e.g., towers, poles)	Not Required
Work at heights over 25 feet (e.g., towers, poles)	Not Required
Work in urban or highway traffic (other than driving)	Not Required
Work around moving machinery or mobile equipment	Not Required
Work around moving mechanical parts	Not Required
Work on and off moving equipment	Not Required
Work on slippery or uneven surfaces	Not Required
Work/travel in boat/small aircraft/helicopters	Not Required
Exposure to high noise levels	Not Required
Exposure to infection, germs, or contagious diseases (e.g., hospital, lab, clinic, etc.)	Not Required
Exposure to blood, body fluid, or materials potentially contaminated by blood or body fluids (e.g., hospital, lab, clinic, public protection environment)	Not Required
Exposure to needles or sharp implements (e.g., hospital, kitchens)	Not Required
Use of hot equipment (e.g., kitchen ovens, lab equipment)	Not Required
Exposure to wild/dangerous animals	Not Required
Exposure to insect bites or stings	Not Required
Exposure to aggressive/angry people in a public protection environment	Not Required

4.3 Other Work Demands

Title	Rating
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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.