

POSITION SUMMARY

Under general supervision of the Chief Legal Counsel of the Department of Administration's (DOA) Division of Legal Services, this position provides representation to agencies of the State of Wisconsin as attorney of record in adversarial administrative proceedings. Representation will involve case preparation, appearance at hearings, and post-hearing advocacy. Cases will relate to a broad scope of employment matters. The majority of cases will relate to employee appeals of disciplinary actions such as demotion, layoff, suspension, discharge, and reduction in base pay, brought before the Wisconsin Employment Relations Commission under the administrative appeal procedures set forth in Chapter 227, Wis. Stats. The position will also perform other legal duties as assigned to assist with the responsibilities of DOA's Division of Legal Services.

GOALS AND WORKER ACTIVITIES

- 35% A. Representation of agencies of the State, at prehearing stage, as attorney of record in civil service personnel cases before the WERC.
- A1. Conduct preliminary review of assigned cases to assess timeliness or other jurisdictional challenges. Raise such challenges as a basis for dismissal where appropriate.
 - A2. Participate in prehearing proceedings.
 - A3. Prepare and file motions.
 - A4. Conduct discovery including depositions, interrogatories, requests for admissions, and requests for production of documents. Also respond to such discovery requests. Represent employees of departments in depositions taken as part of discovery.
 - A5. Conduct fact investigations, including document reviews and necessary interviews of department representatives.
 - A6. Conduct legal research.
 - A7. Identify and prepare witnesses for evidentiary hearings; identify and prepare documentary evidence for hearing.

- A8. Take necessary steps to command witness appearances at hearing; take necessary steps to file exhibits for hearing pursuant to administrative requirements.
- A9. Provide advice and representation to departments relating to settlements, compromises, and stipulations. Draft, review, seek necessary approval for, and finalize any such agreements.
- 20% B. Representation of agencies of the State, at hearing stage, as attorney of record in civil service personnel cases before the WERC.
 - B1. Make opening and closing arguments.
 - B2. Conduct direct and cross examinations of witnesses.
 - B3. Raise objections and make motions as necessary.
 - B4. Make strategic decisions regarding case presentation.
- 20% C. Representation of agencies of the State, at post-hearing stage, as attorney of record in civil service personnel cases before the WERC.
 - C1. Review hearing records.
 - C2. Prepare and file post-hearing written arguments.
 - C3. Prepare responses to motions for costs by prevailing parties brought under Section 227.485, Wis. Stats.
 - C4. Draft and present necessary arguments as part of post-decision review or appeal processes.
 - C5. Provide verbal or written briefings regarding cases statuses and interpretations of decisions to department representatives, as needed.
- 15% D. Participate in internal cooperation, communication, and study to provide and maintain superior level of representation.
 - D1. Work with Division of Personnel Labor Relations Specialists as appropriate to achieve efficiency in processing cases.

- D2. Brief Chief Legal Counsel on important case developments.
 - D3. Brief Chief Legal Counsel regarding potentially desirable changes in agency programs or procedures relative to adversarial administrative proceedings.
 - D4. Remain apprised of relevant statutory changes, court decisions, and all WERC civil service personnel appeal caselaw.
- 10% E. Perform other legal duties as assigned by the Chief Legal Counsel relating to State employment relations.
- E1. Conduct legal research.
 - E2. Assist Chief Legal Counsel in representation at administrative hearings and other proceedings.
 - E3. Handle high-profile arbitrations.
 - E4. Other duties as assigned.

SPECIAL REQUIREMENT

Licensure to practice law in the State of Wisconsin.

KNOWLEDGE, SKILLS, AND ABILITIES

1. Knowledge of employment law principles.
2. Ability to interpret statutes and administrative rules.
3. Understanding of the State of Wisconsin civil service system and processes.
4. Ability to perform high quality legal research.
5. Strong written and oral communication skills.
6. Strong analytical skills.
7. Strong interpersonal skills.
8. Ability to work independently with only general supervision.
9. Ability to manage a caseload presenting multiple and competing assignments.