



STATE OF ALASKA

Position Description

**Position Control
Number (PCN):**

019033

Class Title:
Attorney I

Recruitment Type: Flexibly Staffed

1. Position Control Information	
Class Title: Attorney I	Code: P7142 Range: 18
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: Mediation	
Location: Anchorage	Location Code: EBA
Position Type: Partial Exempt Full Time	Position Type Code: PXFT
FLSA Exempt: Yes 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 St Ste 204, Anchorage	
Work Phone: 907-276-7474	
Supervisor Information	
PCN: 019001 Title: Division Director - Px	
Physical Work Address: 800 A St Ste 204 Anchorage	
Work Phone: 907-276-7474	

Type of Action:	Reclass to same range, different job class, Establish Flexible Staffing
Effective Date:	02/10/2017
Division of Personnel Section:	Classification
Reviewed By:	Virginia Breeze, Human Resource Consultant I, on 02/10/2017
Approved By:	Tres Causey, Human Resource Consultant II, on 02/13/2017
Closed out by:	Don Wright, Human Resource Technician II, on 02/15/2017

2. Duties

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

Under close supervision, the Attorney I position handles case intake and processing for matters diverted through the mediation program, facilitates negotiations and case resolutions between complainant and respondent, assists higher-level attorneys with research, analysis, and limited drafting, and assists the Executive Director with outreach efforts.

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: Mediator		
E/M	% of Time	Duty Statement
E	75 %	<p>Conduct intakes to facilitated resolution program, identifying party positions, issues for negotiation, and the appropriate approach in each case.</p> <p>Assist parties to prepare for facilitated resolution by providing oral and written information on the process, ground rules, and limitations, eliciting input where appropriate, and providing opportunities for pre-session briefing as needed and appropriate.</p> <p>Ensure parties are represented in the process by an individual with authority to settle. Clarify to the parties and their legal representatives their roles and responsibilities and those of the Commission.</p> <p>Facilitate negotiations between parties in the mediation case phase, in joint session and/or caucus, using established and accepted mediation techniques. Convey offers and counter-offers of settlement where requested by parties and appropriate. Assist parties to communicate and understand underlying interests, identify opportunities for resolution, and reach a settlement to resolve all outstanding issues to allow case closure.</p> <p>Work with higher level staff to identify policy concerns in negotiation process and ensure settlements are consistent with public and ASCHR policy.</p> <p>Draft settlement agreement documents reflecting the parties' proposed agreement and submit to supervisors for approval before signature.</p> <p>Maintain records of settlement negotiations consistent with established rules of mediator ethics and ASCHR policy. Preserve confidentiality of settlement negotiations from investigative staff, consistent with established rules of mediator ethics and ASCHR policy.</p> <p>Maintain statistics consistent with ASCHR needs and policies and report to Executive Director on request.</p>

Functional Area Title: Attorney		
E/M	% of Time	Duty Statement
E	15 %	<p>Support senior staff on legal research projects, conducting guided research relating to litigation, legal questions or problems, statutes, regulations, or other matters of the agency's responsibility.</p> <p>Analyze information, develop findings, and prepare written or oral recommendations summarizing research and outlining analysis and conclusions.</p> <p>Prepare first drafts of legal documents and correspondence for senior staff.</p>

Functional Area Title: Education / Outreach Coordinator

E/M	% of Time	Duty Statement
E	10 %	Assist the Executive Director in presentations and outreach efforts to communicate the agency mission and process to the public. Assist the Executive Director with the preparation of professional materials and presentations to explain the agency mission and process.

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 (daily); laptop computer (as needed); Microsoft Word software (daily), Case Tracking system (as needed).

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.).

Multi-line telephone system (daily); TTY telephone (as needed); Copier, fax, TV/VCR/DVD player, calculator (as needed).

Personal vehicle required for conducting off-site meetings and trainings.

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

American Arbitration Association Model Standards Of Conduct For Mediators

The following are used daily: AS18.80; 6AAC30; Title VII of the Civil Rights Act of 1964, as amended; and ASCHR Procedure Manual.

The following are used weekly: agency policy memoranda; Age Discrimination in Employment Act of 1967, as amended; Title I of the Americans with Disabilities Act of 1990; Lindemann and Grossman's Employment Discrimination Law; Title III of the Civil Rights Act of 1964; Equal Pay Act of 1963; and agency, state, and federal court decisions.

The following are used monthly: Pregnancy Discrimination Act of 1967; AMC 5.20 et.seq.; EEOC CDS/IMS guidelines for federal bases, issues, and Standard Industrial codes; Commerce Clearing House EEOC guidelines; EEOC's compliance and substantial weight review manual; Anchorage City Directory; ADA Technical Assistance Manual; and federal and state executive orders regarding civil rights.

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.

Under close and ongoing supervision, the Attorney I in the Attorney-Mediator position will: conduct intakes; plan and conduct mediations; prioritize caseload; identify policy concerns in settlement process; submit proposed agreements to supervisor for review and approval. The Attorney-Mediator I position will assist senior staff in the following tasks: conducting public outreach presentations; performing legal research; preparing first drafts of documents. All work is subject to close review while in progress or on completion. Immediate supervision may be relaxed as experience is gained.

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.

Multiple times per day receive and make telephone calls with complainant and respondents in facilitated resolution process; daily communications with Commission staff to convey case process and progress on assignments; weekly meetings with complainant and respondent in person at the Commission office to conduct facilitated resolution; monthly encounters with the public in outreach presentations.

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?

Minimal consequence to complainant, respondent, or public for failing to identify a policy concern in settlement negotiations, as mediation process and settlement documents are subject to close review.

Minimal consequences for failing to accurately research, analyze, report, and rely on relevant law, as research and analysis are conducted under close supervision. Minimal consequences for inferior performance in outreach as outreach efforts performed under close supervision.

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

Must have knowledge of general mediation principles and practices, procedures, techniques, ethics. Must also have knowledge of general legal principles and practices, legal procedures, ethics, methods of legal research and rules of evidence. Must have the ability to gather facts, analyze and make recommendations on legal questions. Must be able to communicate effectively with the public and the parties and be able to effectively explain legal principles to the layperson. Must be comfortable using Microsoft Office and Outlook.

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).

Current Alaska Driver's License; Graduation from an accredited law school .

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				F
Standing			O	
Running	N			
Jumping	N			
Bending or twisting			O	
Squatting or kneeling			O	
Crawling	N			
Reaching above shoulder level			O	
Reaching below shoulder level			O	
Ascending or descending using a ladder or other conveyance	N			
Climbing stairs		P		
Driving cars, light duty trucks			O	
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				F
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			O	
Lifting/carrying 26-50 pounds		P		
Lifting/carrying more than 50 pounds		P		
Pushing/pulling up to 25 pounds			O	
Pushing/pulling 26-50 pounds	N			
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			O	
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		P		
Work/travel in boat/small aircraft/helicopters	N			

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 (e.g.: State Troopers, Correctional Officers, Probation Officer)	N			
Exposure to aggressive/angry people in the work 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.

This position has an essential job function of Community Outreach, which will involve conducting off-site meetings and trainings in the Anchorage/Mat-Su areas. A personal vehicle will be required for this transportation.

5. Supervisory Authority

This page must be completed if PCN **019033** is assigned supervisory or lead level authority (this includes Labor, Trades and Crafts foreman positions). In the chart below, list each position PCN **019033** supervises or leads. Record **019033** '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 **019033** 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 019033 's Responsibilities and Assigned Level of Authority

Positions Directly Supervised or Led by PCN 019033	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):**

019033

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: Mediation	
Location: Anchorage	Location Code: EBA
Position Type: Partial Exempt Full Time	Position Type Code: PXFT
FLSA Exempt: Yes 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 St Ste 204, Anchorage	
Work Phone: 907-276-7474	
Supervisor Information	
PCN: 019001 Title: Division Director - Px	
Physical Work Address: 800 A St Ste 204 Anchorage	
Work Phone: 907-276-7474	

Type of Action:	Reclass to same range, different job class, Establish Flexible Staffing
Effective Date:	02/10/2017
Division of Personnel Section:	Classification
Reviewed By:	Virginia Breeze, Human Resource Consultant I, on 02/10/2017
Approved By:	Tres Causey, Human Resource Consultant II, on 02/13/2017
Closed out by:	Don Wright, Human Resource Technician II, on 02/15/2017

2. Duties

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

Under supervision, the Attorney II position handles case intake and processing for matters diverted through the mediation, pre-determination, and conciliation programs, facilitating negotiations and case resolutions between complainant and respondent, assists higher-level attorneys with research, analysis, and drafting, and assists the Executive Director with outreach efforts.

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: Mediator		
E/M	% of Time	Duty Statement
E	65 %	<p>Conduct intakes to the mediation, pre-determination, and conciliation programs, identifying party positions, issues for negotiation, and the appropriate approach in each case. Work with Executive Director to screen out referred cases that are not appropriate for facilitated settlement within ASCHR.</p> <p>Assist parties to prepare for facilitated resolution by providing oral and written information on the process, ground rules, and limitations, eliciting input where appropriate, and providing opportunities for pre-session briefing as needed and appropriate.</p> <p>Ensure parties are represented in the process by an individual with authority to settle. Clarify to the parties and their legal representatives their roles and responsibilities and those of the Commission, providing information to the parties of the relevant elements of proof and legal process that provide the framework for the negotiation.</p> <p>Facilitate negotiations between parties in mediation, pre-determination, and conciliation case phases, in joint session and/or caucus, using established and accepted techniques appropriate to the case phase. Assist parties to communicate and understand underlying interests, identify opportunities for resolution, and reach a settlement to resolve all outstanding issues to allow case closure.</p> <p>With supervisor approval, convey offers and counter-offers of settlement where requested by parties and appropriate.</p> <p>Work with higher level staff to identify policy concerns in negotiation process and ensure settlements are consistent with public and ASCHR policy.</p> <p>Prepare settlement agreement documents as requested by parties and as appropriate and submit to Executive Director for approval and signature.</p> <p>After a finding of substantial evidence of discrimination, conduct conciliation conference to invite the respondent to provide full relief for complainant and eliminate any discriminatory practices.</p> <p>Prepare conciliation agreements in cases where a finding of substantial evidence of discrimination is found, including remedies which would provide full relief for complainant and address any discriminatory practices. Prepare detailed and complex calculations of proposed monetary remedies consistent with ASCHR policy. Monitor achievement of conciliation agreement terms.</p> <p>Maintain records of settlement negotiations consistent with established rules of mediator ethics and ASCHR policy. Preserve confidentiality of settlement negotiations from investigative staff, consistent with established rules of mediator ethics and ASCHR policy.</p> <p>Maintain statistics consistent with ASCHR needs and policies and report to Executive Director</p>

on request.

Functional Area Title: Attorney

E/M	% of Time	Duty Statement
E	20 %	<p>Support senior staff on legal research projects, conducting research relating to litigation, legal questions or problems, statutes, regulations, or other matters of the agency's responsibility.</p> <p>Analyze information, develop findings, and prepare written or oral recommendations summarizing research and outlining analysis and conclusions, subject to review by assigning attorney.</p> <p>Draft or assist in drafting pleadings, briefs, motions, correspondence, memoranda, and other documents, subject to review by assigning attorney.</p> <p>Assist senior staff with evidence review of pending cases that have not been subject to a facilitated resolution process at the Commission.</p>

Functional Area Title: Outreach Coordinator

E/M	% of Time	Duty Statement
E	15 %	<p>Assist the Executive Director in presentations and outreach efforts to communicate the agency mission and process to the public.</p> <p>Assist the Executive Director with the preparation of professional materials and presentations to explain the agency mission and process.</p> <p>Assist senior staff with preventive training in legal aspects of A.S. 18.80.</p>

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 (daily); laptop computer (as needed); Microsoft Word software (daily), Case Tracking system (as needed).

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.).

Multi-line telephone system (daily); TTY telephone (as needed); Copier, fax, TV/VCR/DVD player, calculator (as needed).

Personal vehicle required for conducting off-site meetings and trainings.

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

American Arbitration Association Model Standards Of Conduct For Mediators

The following are used daily: AS18.80; 6AAC30; Title VII of the Civil Rights Act of 1964, as amended; and ASCHR Procedure Manual.

The following are used weekly: agency policy memoranda; Age Discrimination in Employment Act of 1967, as amended; Title I of the Americans with Disabilities Act of 1990; Lindemann and Grossman's Employment Discrimination Law; Title III of the Civil Rights Act of 1964; Equal Pay Act of 1963; and agency, state, and federal court decisions.

The following are used monthly: Pregnancy Discrimination Act of 1967; AMC 5.20 et.seq.; EEOC CDS/IMS guidelines for federal bases, issues, and Standard Industrial codes; Commerce Clearing House EEOC guidelines; EEOC's compliance and substantial weight review manual; Anchorage City Directory; ADA Technical Assistance Manual; and federal and state executive orders regarding civil rights.

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.

Under supervision, the Attorney II in the Attorney-Mediator position will: conduct intakes; plan and conduct mediations, conciliations, and pre-determination settlements; prioritize caseload; identify policy concerns in settlement process; submit proposed agreements to Executive Director for approval and signature. The Attorney-Mediator II position will assist senior staff in the following tasks: conducting public outreach presentations and trainings; performing legal research; drafting legal documents; conducting evidence reviews of pending cases.

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.

Multiple times per day receive and make telephone calls with complainant and respondents in facilitated resolution process; daily communications with Commission staff to convey case process and progress on assignments; weekly meetings with complainant and respondent in person at the Commission office to conduct facilitated resolution; monthly encounters with the public in outreach presentations and trainings.

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?

Minimal consequence to complainant, respondent, or public for failing to identify a policy concern in settlement negotiations, as mediation process and settlement documents are subject to review. Minimal consequences for failing to accurately research, analyze, report, and rely on relevant law, as research and analysis are conducted under supervision. Minimal consequences for inferior performance in outreach as outreach efforts.

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

Must have knowledge of general legal principles and their applications. Must have knowledge of the relevant rules, principles, and laws applied in the general course of practice at ASCHR. Must have knowledge of the methods, tactics, and policies employed in the investigation and prosecution of human rights complaints. Must have the ability to independently facilitate routine settlements in any case phase. Must have the ability to prepare memoranda, briefs and pleadings in routine ASCHR cases, carry out legal research, analyze legal documents for clarity and legal sufficiency and assemble, appraise and organize facts and logically, clearly and concisely present matters in accepted oral and written legal forms. Must be able to assist with the preparation of outreach materials, planning outreach opportunities, and making effective presentations to various groups and audiences.

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).

Current Alaska Driver's License; Graduation from an accredited law school; Admission to 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				F
Standing			O	
Running	N			
Jumping	N			
Bending or twisting			O	
Squatting or kneeling			O	
Crawling	N			
Reaching above shoulder level			O	
Reaching below shoulder level			O	
Ascending or descending using a ladder or other conveyance	N			
Climbing stairs		P		
Driving cars, light duty trucks			O	
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				F
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			O	
Lifting/carrying 26-50 pounds		P		
Lifting/carrying more than 50 pounds		P		
Pushing/pulling up to 25 pounds			O	
Pushing/pulling 26-50 pounds	N			
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			O	
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	N			

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 (e.g.: State Troopers, Correctional Officers, Probation Officer)	N			
Exposure to aggressive/angry people in the work 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.

This position has an essential job function of Community Outreach, which will involve conducting off-site meetings and trainings in the Anchorage/Mat-Su areas. A personal vehicle will be required for this transportation.

5. Supervisory Authority

This page must be completed if PCN **019033** is assigned supervisory or lead level authority (this includes Labor, Trades and Crafts foreman positions). In the chart below, list each position PCN **019033** supervises or leads. Record **019033** '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 **019033** 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 019033 's Responsibilities and Assigned Level of Authority									
Positions Directly Supervised or Led by PCN 019033	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):**

019033

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: Mediation	
Location: Anchorage	Location Code: EBA
Position Type: Partial Exempt Full Time	Position Type Code: PXFT
FLSA Exempt: Yes 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 St Ste 204, Anchorage	
Work Phone: 907-276-7474	
Supervisor Information	
PCN: 019001 Title: Division Director - Px	
Physical Work Address: 800 A St Ste 204 Anchorage	
Work Phone: 907-276-7474	

Type of Action:	Reclass to same range, different job class, Establish Flexible Staffing
Effective Date:	02/10/2017
Division of Personnel Section:	Classification
Reviewed By:	Virginia Breeze, Human Resource Consultant I, on 02/10/2017
Approved By:	Tres Causey, Human Resource Consultant II, on 02/13/2017
Closed out by:	Don Wright, Human Resource Technician II, on 02/15/2017

2. Duties

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

The Attorney III position handles case intake and processing for matters diverted through the mediation, pre-determination, conciliation, and pre-hearing programs, facilitating negotiations and case resolutions between complainant and respondent, assists staff attorneys with research, analysis, and drafting, and assists the Executive Director with outreach efforts and training. Attorney IIIs may be given limited administrative responsibilities to include: coordinating work assignments with secretarial staff, conducting unit or staffing meetings within the office and assisting with training and supervision of legal support staff, including Attorneys I and II.

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: Mediator		
E/M	% of Time	Duty Statement
E	65 %	<p>Conduct intakes to facilitated resolution program, identifying party positions, issues for negotiation, and the appropriate approach in each case. Work with Executive Director to screen out cases that are not appropriate for mediation.</p> <p>Assist parties to prepare for facilitated resolution by providing oral and written information on the process, ground rules, and limitations, eliciting input where appropriate, and providing opportunities for pre-session briefing as needed and appropriate.</p> <p>Ensure parties are represented in the process by an individual with authority to settle. Clarify to the parties and their legal representatives their roles and responsibilities and those of the Commission, providing information to the parties of the relevant elements of proof and legal process that provide the framework for the negotiation.</p> <p>Facilitate negotiations between parties in mediation, pre-determination, conciliation, and pre-hearing settlement contexts, in joint session and/or caucus, using established and accepted mediation techniques appropriate to the case phase. Assist parties to communicate and understand underlying interests, identify opportunities for resolution, and reach a settlement to resolve all outstanding issues to allow case closure.</p> <p>Convey offers and counter-offers of settlement where requested by parties and appropriate.</p> <p>Identify policy concerns in negotiation process and ensure settlements are consistent with public and ASCHR policy.</p> <p>Prepare settlement agreement documents as requested by parties and as appropriate.</p> <p>After a finding of substantial evidence of discrimination, conduct conciliation conference to invite the respondent to provide full relief for complainant and eliminate any discriminatory practices.</p> <p>Prepare conciliation agreements in cases where a finding of substantial evidence of discrimination is found, including remedies which would provide full relief for complainant and address any discriminatory practices. Prepare detailed and complex calculations of proposed monetary remedies consistent with ASCHR policy.</p> <p>Maintain records of settlement negotiations consistent with established rules of mediator ethics and ASCHR policy. Preserve confidentiality of settlement negotiations from investigative staff, consistent with established rules of mediator ethics and ASCHR policy.</p> <p>Maintain statistics consistent with ASCHR needs and policies and report to Executive Director on request.</p>

Functional Area Title: Attorney		
E/M	% of Time	Duty Statement
E	15 %	<p>Assist senior staff with legal review of pending cases that have not been subject to a facilitated resolution process at the Commission.</p> <p>Draft pleadings, briefs, motions, correspondence, memoranda, legislation, regulations, and other documents.</p> <p>Conduct legal and factual research related to litigation, legal questions or problems, statutes, regulations, or other matters of the agency`s responsibility. Analyze information, develop findings, and prepare written or oral recommendations.</p> <p>Occasional coordination of work assignments with secretarial staff, conducting unit or staffing meetings within the office and assisting with training and supervision of legal support staff, including Attorneys I and II.</p>

Functional Area Title: Outreach Coordinator		
E/M	% of Time	Duty Statement
E	20 %	<p>Conduct presentations and outreach efforts to communicate the agency mission and process to the public.</p> <p>Conduct preventive training in legal aspects of the A.S. 18.80</p> <p>Identify and cultivate opportunities for outreach presentations and community partnerships.</p> <p>Develop community partnerships with individuals, organizations, and businesses to further the agency mission.</p> <p>Prepare professional materials and presentations to explain the agency mission and process.</p>

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 (daily); laptop computer (as needed); Microsoft Word software (daily), Case Tracking system (as needed).

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.).

Multi-line telephone system (daily); TTY telephone (as needed); Copier, fax, TV/VCR/DVD player, calculator (as needed).

Personal vehicle required for conducting off-site meetings and trainings.

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

American Arbitration Association Model Standards Of Conduct For Mediators

The following are used daily: AS18.80; 6AAC30; Title VII of the Civil Rights Act of 1964, as amended; and ASCHR Procedure Manual.

The following are used weekly: agency policy memoranda; Age Discrimination in Employment Act of 1967, as amended; Title I of the Americans with Disabilities Act of 1990; Lindemann and Grossman's Employment Discrimination Law; Title III of the Civil Rights Act of 1964; Equal Pay Act of 1963; and agency, state, and federal court decisions.

The following are used monthly: Pregnancy Discrimination Act of 1967; AMC 5.20 et.seq.; EEOC CDS/IMS guidelines for federal bases, issues, and Standard Industrial codes; Commerce Clearing House EEOC guidelines; EEOC's compliance and substantial weight review manual; Anchorage City Directory; ADA Technical Assistance Manual; and federal and state executive orders regarding civil rights.

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.

Conduct intakes; plan and conduct facilitated resolution process; prioritize caseload; identify policy concerns in settlement process; recommend Executive Director approval of facilitated resolution; conduct public outreach presentations; perform independent legal research and prepare recommendations.

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.

Multiple times per day receive and make telephone calls with complainant and respondents in facilitated resolution process; daily communications with Commission staff to convey case process weekly meet complainant and respondent in person at the Commission office to conduct facilitated resolution.

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?

Moderate consequence to complainant, respondent, or public for failing to identify a policy concern in settlement negotiations. Moderate to significant consequence for failing to accurately research, analyze, report, and rely on relevant law.

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

Must have a commanding knowledge of the relevant rules, principles, and laws applied in the general course of practice at ASCHR, as well as of the methods, tactics, and policies employed in the investigation and prosecution of human rights complaints. Must have the ability to prepare briefs and pleadings in routine ASCHR cases with limited need for supervision or editing, identify issues and carry out independent legal research, independently analyze legal documents for clarity and legal sufficiency and independently assemble, appraise and organize facts. Must demonstrate proficient understanding of all phases of a case by effectively determining the technical (both factual and procedural) needs of cases or legal problems encountered. Must be able to logically, clearly, concisely, and persuasively present matters in accepted oral and written legal forms with limited need for revision by reviewing attorneys. Must also be able to independently prepare outreach materials, identify and plan outreach opportunities, and make effective presentations to various groups and audiences.

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).

Current Alaska Driver's License; Graduation from an accredited law school; Admission to Alaska Bar Association; minimum two years' practice of law.

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				F
Standing			O	
Running	N			
Jumping	N			
Bending or twisting			O	
Squatting or kneeling			O	
Crawling	N			
Reaching above shoulder level			O	
Reaching below shoulder level			O	
Ascending or descending using a ladder or other conveyance	N			
Climbing stairs		P		
Driving cars, light duty trucks			O	
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				F
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			O	
Lifting/carrying 26-50 pounds		P		
Lifting/carrying more than 50 pounds		P		
Pushing/pulling up to 25 pounds			O	
Pushing/pulling 26-50 pounds	N			
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			O	
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		P		
Work/travel in boat/small aircraft/helicopters	N			

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 (e.g.: State Troopers, Correctional Officers, Probation Officer)	N			
Exposure to aggressive/angry people in the work 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.

This position has an essential job function of Community Outreach, which will involve conducting off-site meetings and trainings in the Anchorage/Mat-Sue areas. A personal vehicle will be required for this transportation.

5. Supervisory Authority

This page must be completed if PCN **019033** is assigned supervisory or lead level authority (this includes Labor, Trades and Crafts foreman positions). In the chart below, list each position PCN **019033** supervises or leads. Record **019033** '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 **019033** 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 019033 's Responsibilities and Assigned Level of Authority									
Positions Directly Supervised or Led by PCN 019033	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: Human Rights Field Representative III	Code: P4207	Range: 18
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 Part Time	Position Type Code:	PXPT
FLSA Exempt: No	Strike Class:	N
Position requires possession of a Commercial Drivers License (CDL):		
Position requires possession of, or access to, firearms or ammunition:		No
Home Unit: Z372		
AKPAY Organizational Routing Code: 01013702		
Physical Work Address: 800 A St Ste 204, Anchorage		
Work Phone: 907-276-7474		
Supervisor Information		
PCN:	Title:	
Physical Work Address:		
Work Phone:		

Requested Changes

Class Title: Attorney I	Code: P7142	Range: 18
Attorney II	P7143	20
Attorney III	P7144	22
Region/Section/Unit: Mediation		
Position Type: Partial Exempt Full Time	Position Type Code:	PXFT
Position requires possession of a Commercial Drivers License (CDL):		
Supervisor Information		No
PCN: 019001	Title: Division Director - Px	
Physical Work Address: 800 A St Ste 204 Anchorage		
Work Phone: 907-276-7474		

Requested Actions

Reclass Up, Establish Flexible Staffing

Reason for the Request

ASCHR needs a full-time mediator/attorney.

Does this submission require OMB Approval?

No

If yes, has it been approved by the OMB?

If no, please select the criteria which approves this submission:

Requesting action involves an Attorney or Associate Attorney position

American Recovery and Reinvestment Act

Is this permanent position established to work on ARRA (American Recovery and Reinvestment Act) related projects/assignments?

No

Certification

Supervisor

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

Marti Buscaglia, Division Director - Px, on 02/01/2017

Division

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

Marti Buscaglia, Division Director - Px, on 02/03/2017

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.

Guy Bell, , on 02/03/2017

7. Staffing Chart & Attachments

Staffing Chart

Flexible Staffing Training Plan

FLSA Exemption Document Attorney I

FLSA Exemption Document Attorney II-III

8. Classification Analysis

The Office of the Governor, Alaska State Commission for Human Rights, submitted this Position Description (PD) for PCN 019033 and requested reclassification of Human Rights Field Representative III to Attorney I (Flex I/II/III) and the establishment of flexible staffing. The position is vacant, located in Anchorage, and is supervised by PCN 019001 (Executive Director). Neither lead-level nor supervisory authority is assigned.

Contacts:

Scott Damerow (Administrative Officer I, Human Rights Commission) was contacted regarding the position's responsibilities.

Class Concepts:

Human Rights Field Representative

This series of classes includes positions engaged in implementation and administration of State laws against discrimination and program policies adopted by the State Commission for Human Rights. The Human Rights Field Representatives perform a wide variety of assignments including processing administrative complaints from filing through impartial investigation, negotiated settlements, and conciliations, and for unconciliated cases to public hearings. The series covers field operation staff providing investigative services in regional offices, the systemic unit or the hearing unit.

Human Rights Field Representative III is the full working level class in this series. Positions work under direction and independently investigate or conciliate a full range of human rights discrimination cases. Human Rights Field Representatives II and III are distinguished by the case load assigned, both in terms of complexity and potential impact of these cases and by the actual number of cases assigned.

Attorney I positions conduct legal research, fact-finding studies, and litigation proceedings under close supervision of experienced attorneys in an office of the Attorney General (including Chief Prosecutor, Special Prosecution and Appeals, and District Attorneys), the Public Defender, or in any other agency, board, or commission when authorized by the Attorney General. This is the entry level to professional legal practice. Attorneys I perform legal research/assistance and court proceedings consistent with Alaska Bar Rule 44 (persons are trained in law but are not bar members). Assignments are made to assist other attorneys, to carry out routine matters, and to become familiar with the agency's legal practice. Immediate supervision may be relaxed as experience is gained; however, all work is subject to close review while in progress or on completion.

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.

Analysis:

All duties, responsibilities, and authorities listed within the Position Description were considered for this analysis.

Note: The Alaska Commission on Human rights is in need of an attorney mediator to assist with the backlog in the Commission's legal unit to review cases and conduct legal research.

As Human Rights Field Representative III, PCN 019033 developed investigative plans and strategies; performed witness interviews; analyzed evidence; provided oral and written updates to complaining and responding parties; and independently and impartially investigated and resolved complaints to prevent and eliminate discrimination under the Alaska Human Rights Law.

Now the position, still located in the Human Rights Commission, is being reclassified to the Attorney job class series for reasons cited above, and will be assigned flexible staffing to facilitate entry to an occupational field that provides a formal training path to higher level work.

As Attorney I, PCN 019033, in a learning capacity under close supervision and following a training plan, handles case intake and processing for matters diverted through the mediation program; facilitates negotiations and case resolutions between the complainant and the respondent; assists higher-level attorneys with research, analysis, and limited drafting; and the Executive Director with outreach efforts. In addition, the position at this level conducts intakes to facilitate resolution programs; identifies party positions and issues for negotiation, and the appropriate approach in each case; supports senior staff on legal research projects; analyzes information; develops findings; and prepares written or oral recommendations summarizing research and outlining analysis and conclusions; and assists the Executive Director in presentation and outreach efforts to communicate the agency mission and process to the public.

As Attorney II, PCN 019033, under general supervision and following the training plan, handles case intake and processing for matters diverted through the mediation, pre-determination, and conciliation programs; facilitates negotiations between parties in mediation, pre-determination, and conciliation case phases, in joint session and/or caucus, using established and accepted techniques appropriate to the case phase. With supervisor approval, the position conveys offers and counter-offers of settlement where requested by parties and prepares settlement agreement documents as appropriate, and submits documents to the Executive Director for approval and signature. After a finding of substantial evidence of discrimination, the position conducts a conciliation conference to invite the respondent to provide full relief or the complainant and eliminates discriminatory practices. At this level, the incumbent also drafts pleadings, briefs, motions, correspondence, memoranda, and other documents subject to review by the assigning attorney.

As Attorney III, PCN 019033 handles case intake and processing for matters diverted through the mediation, pre-determination, conciliation, and pre-hearing programs, facilitating negotiations and case resolutions between complainant and respondent, assists staff attorneys with research, analysis, and drafting, and the Executive Director with outreach efforts and training. The incumbent may be given limited administrative responsibilities to include coordinating work assignments with secretarial staff, conducting unit or staffing meetings within the office and assisting with training and supervision of legal support staff, including Attorneys I and II. The position drafts pleadings, conducts legal and factual research related to litigation, legal questions or problems, statutes, regulations, or other matters of the agency's responsibility; and analyzes information, develops findings, and prepares written or oral recommendations. In addition, the position conducts presentations and outreach efforts to communicate the agency mission and process to the public, developing community partnerships with individuals, organizations, and businesses to further the agency mission.

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; the supervisor certifies that the incumbent has met the minimum qualifications for the higher level; and the incumbent is capable of performing at the higher level.

Conclusion:

PCN 019033 is allocated to Attorney I (Flex Attorney I/II/III). The position is in the partially exempt service per AS 39.25.120(c)(5). The position meets the professional criteria for exemption under the Fair Labor Standards Act and is not eligible for overtime at all levels.