

Schmidt, Kirk E CIV DECA HQ (USA)

From: Emad Ellisy <emadellisy@yahoo.com>
Sent: Wednesday, November 20, 2024 5:37 PM
To: Schmidt, Kirk E CIV DECA HQ (USA)
Subject: Re: Clarification on FOIA Request and Updated Contact Information

Dear Mr. Schmidt,

Thank you for your response to my FOIA request and for clarifying that Mr. Barnard is assigned to the commercial law team, with no records of a temporary reassignment. However, I would like to request additional records related to the duties and responsibilities of specific positions within the agency, particularly as they pertain to handling Equal Employment Opportunity Commission (EEOC) claims:

1. Please provide official documentation, such as position descriptions or job duties, for the role of Attorney Advisor (Labor) within the Defense Commissary Agency, including any responsibilities related to handling or advising on EEOC claims or other employment law matters.
2. Please provide similar documentation for the role of Attorney Advisor (Contract) within the Defense Commissary Agency, specifically clarifying whether this position includes responsibilities for handling or advising on EEOC claims or other employment law matters.

This information is crucial to an ongoing legal matter. If any part of the requested records is exempt from disclosure, please provide a detailed justification for the exemption and release any segregable, non-exempt portions of the records.

Thank you for your attention to this matter. I look forward to your response within the statutory time frame.

Respectfully,

Emad Ellisy

POSITION DESCRIPTION (Please Read Instructions on the Back)

1. Agency Position No.
HQ20062

2. Reason for Submission

☒ Redescription ☐ New
☐ Reestablishment ☐ Other

Explanation (Show any positions replaced)
Replaces PD# HQ18037

3. Service

☒ Hdqtrs ☐ Field

4. Employing Office Location

Fort Lee, VA Fort Gregg-Adams
2/24 PM

5. Duty Station

Fort Gregg-Adams
2/24 PM

6. OPM Certification No.

7. Fair Labor Standards Act

(b)(6) Exempt (b)(6) Nonexempt

8. Financial Statements Required

(b)(6) Executive Personnel (b)(6) Employment and
Financial Disclosure Financial Interest

9. Subject to IA Action

(b)(6) Yes (b)(6) No

10. Position Status

(b)(6) 2/24 PM
(6) Competitive

Excepted (Specify in Remarks)
SES (Gen.) (b)(6) SES (CR)

11. Position Is

(b)(6) Supervisory
(6) Managerial
Neither

12. Sensitivity

(b)(6) Non-Sensitive
(6) Noncritical
Sensitive

3-Critical
4-Special
Sensitive

13. Competitive Level Code

(b)(6)

14. Agency Use

(b)(6)

15. Classified/Graded by

Official Title of Position

Pay Plan

Occupational Code

Grade

Initials

Date

a. Office of Personnel
Management

b. Department,
Agency or
Establishment

Attorney-Advisor (Contract)

GS

0905

14

KD

09/03/2020

c. Second Level
Review

d. First Level
Review

e. Recommended by
Supervisor or
Initiating Office

16. Organizational Title of Position (if different from official title)

Commercial Law Attorney

17. Name of Employee (if vacant, specify)

18. Department, Agency, or Establishment

Department of Defense

c. Third Subdivision

a. First Subdivision

Defense Commissary Agency

d. Fourth Subdivision

b. Second Subdivision

Office of the General Counsel

e. Fifth Subdivision

19. Employee Review-This is an accurate description of the major
duties and responsibilities of my position.

Signature of Employee (optional)

20. **Supervisory Certification.** I certify that this is an accurate
statement of the major duties and responsibilities of this position
and its organizational relationships, and that the position is
necessary to carry out Government functions for which I am
responsible. This certification is made with the knowledge that

this information is to be used for statutory purposes relating to
appointment and payment of public funds, and that false or misleading
statements may constitute violations of such statutes or their
implementing regulations.

a. Typed Name and Title of Immediate Supervisor

(b)(6) Deputy GC, Commercial Law

b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)

Signature (b)(6)

Date

09/11/2020

Signature

Date

21. **Classification/Job Grading Certification.** I certify that this posi-
tion has been classified/graded as required by Title 5, U.S. Code,
in conformance with standards published by the U.S. Office of
Personnel Management or, if no published standards apply direct-
ly, consistently with the most applicable published standards.

Typed Name and Title of Official Taking Action

(b)(6)

Signature

(b)(6)

Date

22. Position Classification Standards Used in Classifying/Grading Position

Position Classification Standard for General Attorney Series,
GS-0905 TS-18 May 1974, TS-77 December 1968 TS-29
August 1960, TS-24 October 1959

Information for Employees. The standards, and information on their
application, are available in the personnel office. The classification of the
position may be reviewed and corrected by the agency or the U.S. Office
of Personnel Management. Information on classification/job grading
appeals, and complaints on exemption from FLSA, is available from the
personnel office or the U.S. Office of Personnel Management.

23. Position Review

Initials

Date

Initials

Date

Initials

Date

Initials

Date

Initials

Date

a. Employee (optional)

b. Supervisor

(b)(6)

c. Classifier

(b)(6)

24. Remarks

This is a full performance Position

Program/ Project Management Code: 4 (Not Applicable), 06/24, EF

25. Description of Major Duties and Responsibilities (See Attached)

I. INTRODUCTION:

This position is located in the Defense Legal Services Agency (DLSA), and the duty station is in the Office of General Counsel (OGC), Defense Commissary Agency (DeCA). The General Counsel (GC) of the Department of Defense (DOD), who is appointed by the President by and with the advice and consent of the Senate, is the Chief Legal Officer (CLO) of the Department of Defense and performs such functions as the Secretary of Defense may prescribe. As such, he or she is the principal legal advisor to the Secretary of Defense and has final authority and responsibility for legal policy and determinations and the delivery of legal services within the Department of Defense and its components. The General Counsel is also dual-hatted as the Director, DLSA, which provides a full range of legal services to the Office of the Secretary of Defense (OSD), the Defense Agencies, and the Department of Defense Field Activities. The General Counsel, DeCA, and his/her staff, are under the authority, direction, and control of the General Counsel of the Department of Defense, the Principal Deputy General Counsel, and the Deputy General Counsel for Personnel and Health Policy.

II. MAJOR DUTIES AND RESPONSIBILITIES:

General Duties: As a member of the OGC, serves as an Assistant General Counsel for commercial law, including contracting & fiscal law, ethics, and administrative & civil law. Incumbent develops and implements policy, oversees legal services provided, and is responsible for the control, presentation, and agency representation in litigation involving extremely complex and difficult administrative board and court actions, usually brought and vigorously litigated by extremely capable private sector legal talent. Legal advice, decisions, and representation are based upon a comprehensive knowledge of Federal and State statutes, directives, and regulations of the various Executive Departments such as the Federal Acquisition Regulations DOD and DeCA supplements thereto, and DOD and DeCA Regulations. Prepares litigation reports, legal briefs, and legal positions for use in those judicial and administrative proceedings, and represents the agency as required. Many of these issues are extremely complex and warrant the assistance of one or more attorneys or other specialists. Nonetheless, the principal attorney exercises full responsibility for the leadership, development, and presentation of the case.

1. Specific Contract Litigation Duties: Serves as a legal advisor to, and representative of, Agency officials at the highest levels on problems arising from contract protests, appeals, lawsuits, court actions, board hearings within the Executive Department, and other legal proceedings requiring representation. Litigation where the stake holders have multi-million dollar interests is not unusual. The forums of these litigation activities include U.S. Federal District Courts, the U.S. Court of Federal Claims, the Armed Services Board of Contract Appeals and the Civilian Board of Contract Appeals, and the Government Accountability Office. The incumbent acts as principal Agency representative in the defense of the matter, liaison with the Office of the DOD General Counsel, the Department of Justice, and other governmental departments and agencies in accordance with policies and procedures prescribed under DOD Regulations and Agency Regulation, and/or the Federal Acquisition Regulations and Supplements thereto. Incumbent also acts upon subpoenas and requests for documents or for appearances of agency personnel as witnesses in these cases.

2. Specific Contract and Fiscal Law Representational and Advisory Duties: With minimal supervision, the incumbent provides legal advice and services to Agency acquisition professionals. Incumbent drafts written legal reviews and opinions in connection with legal issues presented to the Commercial Law Division for resolution. Additionally, incumbent may provide written products on litigation-related issues. Serves as legal advisor and consultant to top agency personnel in the commercial procurement

function, an Agency major operating program, in resolving extremely complex legal problems arising out of the administration of contracts including: extremely complex and unusual contracts of high dollar value such as Commercial Activity contracts (frequently valued in excess of a million dollars), and resale ordering agreements. This duty necessitates familiarity with the different types of contracts and the myriad laws and policies regarding their use. Incumbent renders advice and solves legal problems arising at the planning, solicitation, and award stages of procurement actions and in modifications of contracts – reviews contractual actions for legal sufficiency prior to issuance by Agency contracting officers; renders advice and proposes solutions for legal problems arising out of procurement actions. Incumbent advises top administrative personnel in the Agency on fiscal law matters including statutory construction and complex issues involving the use of appropriated funds. Incumbent serves as a member of the Contracting Officer's team, participating fully in the entire procurement process and serves as the principal legal representative on, and advisor to, the various Agency Contract Review Boards established pursuant to Agency directives for the purposes of reviewing proposed award of all contracts and/or modifications thereto of \$100,000 or more, whether two-step advertised or negotiated.

3. Government Standards of Conduct Law and Ethics Counselor Duties: Provides advice to current and former DOD employees concerning the applicability of the Government Standards of Conduct. Issues written legal determinations concerning limitations on outside employment, prohibitions against accepting compensation for speaking, teaching or writing about official matters, gifts of travel, conference attendance, and other standards of ethical conduct issues and other post-government employment restrictions. Reviews Financial Disclosure Reports (OGE 278 and OGE 450) for filers and maintains financial disclosure database. Provides training to accomplish the Joint Ethics Regulation and OGE training requirements.

4. General Administrative Law. Provides advice and prepares opinions on legal issues or factual questions, some of which lack clearly applicable precedents or contain complex factual scenarios to Directors, and supervisors on a wide range of general administrative and civil law matters. Prepares recommended course of action for senior agency officials, Directors, and staff members; prepares factual analysis and legal opinions, and presents oral briefings to agency officials. Interprets statutes, regulations, directives and policies to ensure the agency actions are in compliance with applicable authorities. Prepares oral and written opinions on extremely complex questions of law including but not limited to: Status of Forces Agreements, official travel, Freedom of Information Act and Privacy Act, environmental law; investigations and other administrative actions dealing with issues of pecuniary liability; official representation events; public affairs events and activities, and a wide variety of administrative law matters. Advises management and the command on very difficult problems, while conducting comprehensive and complex analysis in order to make sound recommendations and alternatives.

5. Legal Research: With minimum supervision, the incumbent conducts legal research on difficult legal or factual questions in connection with acquisitions matters at all organizational levels. The incumbent is assigned work from the supervisory attorney and/or General Counsel or Principal Deputy. Incumbent is responsible for assisting with extremely complex and difficult legal and factual issues of significant impact, often involving very large sums of money. The incumbent normally works with minimum supervision, and is expected to independently investigate the facts, research legal precedent, define legal and factual issues, draft necessary legal documents, and develop conclusions and recommendations. The incumbent discusses the legal issues presented, approaches, litigation risks and other aspects of the matter with the supervising acquisition attorney to ensure the proper approach is taken and the legal matter is resolved. Incumbent performs other duties as assigned.

Incumbent also advises the top administrative personnel on the HQ staff of the Agency regarding a variety of other legal issues including but not limited to those listed below:

1. Freedom of Information Act and Privacy Act Duties

2. Environmental Law Duties
3. Procurement Fraud Duties
4. Status of Forces Law

Performs other duties as assigned.

III. KNOWLEDGE AND SKILLS REQUIRED:

1. Applicant must have successfully completed a full course of study in a school of law and have the first professional law degree (LLB or JD) from that institution.
2. Bar Membership: An applicant must currently be an active member of the bar of the highest court of a State, U.S. commonwealth, U.S. territory, or the District of Columbia.
3. Applicant must have professional legal experience in excess of 3 years that is commensurate with the duties and responsibilities of the position. An LL.M. in military law, government procurement law, administrative law, or environmental law can be substituted for one (1) year of relevant experience. This is a selective factor.
4. Transactional government contracting and fiscal law experience and/or litigation experience before the United States Government Accountability Office, the Armed Services Board of Contract Appeals, the United States Court of Federal Claims or a comparable forum. This is a selective factor.
5. Substantial Knowledge of and experience with applicable federal procurement statutes, regulations (including the Federal Acquisition Regulation and Department of Defense regulations), case law, and Executive Orders and agency policy guidance applicable to government contracting, privatization, ethics, and acquisition. This is a selective factor.
6. Ability to provide authoritative legal advice concerning the various stages of contracting, involving complex and difficult legal problems arising from the formation and management of government contracts.
7. Comprehensive knowledge of Federal and State statutes, directives, and regulations of the various Executive Departments, including FOIA, Privacy Act and administrative & civil law. Skill in resolving extremely complex and difficult legal questions which will be precedent-setting in nature. This is a selective factor.
8. Skill and ability to communicate effectively, both orally and in writing, with both professionals and non-professionals. This is a selective factor.
9. Skill in interpreting the law and applying it to legally complex and factually complex situations and the exercise of legal judgment. This is a selective factor.
10. Ability to tactfully advise senior leadership, counsel and other agency officials on sensitive legal issues.
11. Proficiency in legal research and familiarity with legal databases and other resources used to perform government contracting legal research.
12. Strong client relations/customer support and interpersonal skills. This is a selective Factor
13. Strong experience in administrative and civil law. This is a selective factor.

IV. OTHER SIGNIFICANT FACTS:

Required to submit an OGE Form 450, Confidential Financial Disclosure Report annually.

May be required to travel by military and commercial aircraft in performance of officially assigned duties.

~~Must be able to obtain and maintain security clearance eligibility based upon appropriate investigation.~~ 2/24 PM

Grade Determination:

The grade of an attorney position is determined on the basis of the combination of the highest factor levels which are representative of the position:

Nature of the case or legal problem: This factor incorporates all those elements in a case or a problem which tend to make it more or less difficult to resolve satisfactorily. The levels for this factor are: TYPE I - simple, TYPE II - difficult, TYPE III - most difficult. TYPE III is assigned to this position because the cases involve complex issues requiring extensive research, analysis, and obtaining and evaluating of expert testimony in controversial areas such as contract litigation.

Level of responsibility: This factor incorporates all elements which indicate the level at which an attorney carries out his assignment. The factor includes the functions performed, the supervision and guidance received, the personal work contacts, and the nature and scope of recommendations and decisions. The levels for this factor are: A - beginning, B, C - intermediate, D, E - senior. At Level C, incumbents are expected to independently plan, organize, and conduct studies of the mill run of legal problems, cases, or legislative proposals encountered in their respective programs. At Level E, the incumbent drafts legislation or prepares complete reports on changes in basic legislation. Incumbent provides advice on the interpretation of law or on proposed changes in legislation, policy, and regulations is often given directly to cabinet officers, congressmen, or representatives of State and local governments. The intervening Level Dis assigned because it falls clearly between two of the levels C and E.

The Grade Conversion Chart shows that this combination of evaluation factors, TYPE III and Level D, equates to a GS-14 grade level.

Final Classification: GS-0905- 14, Attorney-Adviser (Contract)

POSITION DESCRIPTION (Please Read Instructions on the Back)1. Agency Position No.
HQ21001

2. Reason for Submission <input checked="" type="checkbox"/> Redescription <input type="checkbox"/> New <input checked="" type="checkbox"/> Hdqtrs <input type="checkbox"/> Field <input type="checkbox"/> Reestablishment <input type="checkbox"/> Other Explanation (Show any positions replaced) Replaces PD#HQ10119, GS-0905-14, ATTORNEY-ADVISOR (GENERAL), 5/19/2016 Replaces PD# HQ14087	3. Service <input checked="" type="checkbox"/> Hdqtrs <input type="checkbox"/> Field	4. Employing Office Location FORT LEE, VA	5. Duty Station FORT LEE, VA	6. OPM Certification No.	7. Fair Labor Standards Act (b)(6) Exempt (b)(6) Nonexempt	8. Financial Statements Required (b)(6) Executive Personnel Financial Disclosure (b)(6) Employment and Financial Interest	9. Subject to IA Action (b)(6) Yes (b)(6) No	10. Position Status (b)(6) Competitive Excepted (Specify in Remarks) SES (Gen.) (b)(6) SES (CR)	11. Position Is (b)(6) Supervisory Managerial Neither	12. Sensitivity (b)(6) 1-Non-Sensitive 2-Noncritical Sensitive 3-Critical 4-Special Sensitive	13. Competitive Level Code (b)(6)	14. Agency Use (b)(6)
--	---	---	--	--------------------------	---	--	---	--	--	---	--------------------------------------	--------------------------

15. Classified/Graded by	Official Title of Position	Pay Plan	Occupational Code	Grade	Initials	Date
a. Office of Personnel Management						
b. Department, Agency or Establishment	Attorney-Advisor (Labor)	GS	0905	14	KWA	10/13/20
c. Second Level Review						
d. First Level Review						
e. Recommended by Supervisor or Initiating Office						

16. Organizational Title of Position (if different from official title) Labor Law Attorney	17. Name of Employee (if vacant, specify)
--	---

18. Department, Agency, or Establishment Department of Defense	c. Third Subdivision
a. First Subdivision Defense Commissary Agency	d. Fourth Subdivision
b. Second Subdivision Office of the General Counsel	e. Fifth Subdivision

19. Employee Review-This is an accurate description of the major duties and responsibilities of my position.

Signature of Employee (optional)

20. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that

this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor (b)(6) Deputy General Counsel, Personnel Law	b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)
Signature (b)(6)	Signature
Date 10/14/20	Date

21. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.

22. Position Classification Standards Used in Classifying/Grading Position
OPM PCS General Attorney Series, GS-0905 TS-18 May 1974

Typed Name and Title of Official Taking Action (b)(6)	Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.
Signature (b)(6)	
Date 10/13/20	

23. Position Review	Initials	Date	Initials	Date	Initials	Date	Initials	Date	Initials	Date
a. Employee (optional)										
b. Supervisor										
c. Classifier										

24. Remarks

This position is at the full performance level.

Program/ Project Management Code: 4 (Not Applicable), 06/24, EF

25. Description of Major Duties and Responsibilities (See Attached)

INTRODUCTION:

This position is located in the Defense Legal Services Agency (DLSA), and the duty station is in the Office of General Counsel, Defense Commissary Agency (DeCA). The General Counsel of the Department of Defense, who is appointed by the President, by and with the advice and consent of the Senate, is the Chief Legal Officer of the Department of Defense and performs such functions as the Secretary of Defense may prescribe. As such, he or she is the principal legal advisor to the Secretary of Defense and has final authority and responsibility on questions of law and legal policy and the delivery of legal services within the Department of Defense and its components. The General Counsel is also dual-hatted as the Director, DLSA, which provides a full range of legal services to the Office of the Secretary of Defense, the Defense Agencies, and the Department of Defense Field Activities. The General Counsel, DeCA, and his/her staff, are under the authority, direction, and control of the General Counsel of the Department of Defense, the Principal Deputy General Counsel, and the Deputy General Counsel for Personnel and Health Policy.

SUPERVISORY CONTROLS:

The Assistant General Counsel, under the general direction, supervision, and broad policy guidance of the Deputy General Counsel Personnel Law Division, provides legal advice and representation on the personnel activities of the Agency to the DeCA General Counsel, to the Director of DeCA, and other senior Agency officials; and delivers professional legal services and advice on personnel actions to the Agency staff including area directors and staff of the Agency. Incumbent exercises independent professional judgment and acts upon his/her own initiative in performing assigned duties. Incumbent undertakes and completes assignments without preliminary instruction, independently researches legal issues, provides legal opinions, determines requirements for legal action, makes recommendations, and prepares legal documents within area of responsibility. Legal advice is considered authoritative. Incumbent independently coordinates within and outside of the Agency as necessary and represents the Agency as required to defend or explain the course of action. Performance is evaluated in terms of consistency with applicable legal precedent, Agency and Departmental policies, and overall effectiveness.

MAJOR DUTIES AND RESPONSIBILITIES:

LABOR & EMPLOYMENT LAW

Labor and Employment Law Advice and Counsel. Serves as an Assistant General Counsel in Personnel Law. Provides oral and written legal advice concerning civilian personnel law, employment discrimination law and all labor relations matters to the Defense Commissary Agency. Renders oral and written legal advice and opinions on all civilian personnel law matters to include adverse, disciplinary, and performance based actions; employment discrimination; disability; reasonable accommodation; furloughs; grievances; investigations; reductions in force; security clearances; veterans employment; workers compensation; workplace violence;

prohibited personnel practices; and all labor relations matters. Reviews proposed activity regulations and policies for legal sufficiency, and impact on other regulations, and on programs, procedures and methods of operation. Conducts extensive research in connection with cases to analyze factual and legal issues and to determine what additional facts are needed and what legal sources are applicable. Conducts legal sufficiency reviews of adverse, disciplinary and performance based actions. Practices preventive law by monitoring Federal legal and policy developments, interpreting legislation, regulations, or policies, and informing management of the impact of statutory, regulatory, and judicial changes in the area of personnel law. Advises managers and supervisors on resolution of grievances. Provides advice to management and EEO officers on resolving informal discrimination complaints. Advises or participates on the management negotiating teams before and during union contract negotiations.

Labor and Employment Law Litigation and Representation. Represents DeCA as a trial attorney and agency representative in all federal administrative litigation proceedings. Manages and conducts all federal administrative litigation before arbitrators, investigators and administrative judges from various agencies including the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and the Federal Labor Relations Authority. Cases involve the full range of federal employment law issues including union/employee grievances on a wide variety of topics, adverse actions, reductions in force, employment discrimination, prohibited personnel practices, collective bargaining, negotiability determinations and unfair labor practice charges. Advises and assists DOJ and U.S. Attorney's Offices in litigating cases in U.S. District Courts, U.S. Circuit Courts, and U.S. Court of Federal Claims. Cases are made more complex due to the potential applicability of several areas of law to each individual case, varying procedural rules of different judicial forums, and involvement of highly-skilled, expert level opposing counsels in many cases. Cases often involve difficult and complex legal issues or factual questions for which clearly applicable precedents may not exist. Each case may require extensive research and analysis, and extensive trial preparation, including witness preparation, drafting of motions and other legal responses, and witnesses examination. Cases often involve very large sums of money, and are often contested by very experienced personnel and labor law attorneys. Each case has potential to set precedent that may have profound impact on the way DeCA administers its personnel and labor-relations.

Conducts extensive research in connection with cases to analyze factual and legal issues and to determine what additional facts are needed and what legal sources are applicable. Prepares documents and makes factual and legal presentations, including briefs, pleadings, motions, interrogatories, depositions, requests for admissions, requests for production, subpoenas and other pleadings; prepares settlement memoranda and litigation reports for civilian personnel/labor relations/EEO actions; participates in prehearing conferences, depositions, and trials; and prepares and presents appeals within the Agency's authority to submit appeals or prepares memoranda of the law and facts to the appropriate appeal authority. Determines what witnesses are necessary and conducts pre-hearing examination of witnesses. Determines whether and what type of discovery is necessary to develop the facts. Reviews cases to determine whether to recommend settlement. Considers the weight of the evidence, the importance of the case, the potential precedent, the cost of litigation and other considerations, which bear on the advisability of settlement. Briefs Agency officials who have authority to settle cases. Negotiates settlements and stipulations with pro se employees or employees' representatives. Prepares and presents the

Agency's case in administrative hearings, and, when appropriate in federal civil proceedings when assisting U.S. Attorney's Offices. Participates in pre-hearing conferences, examines and cross-examines witnesses, argues motions, prepares and presents opening statements and closing arguments. Evaluates adverse decisions for possibility of appeal. Considers the importance of the cases the potential precedent, cost of further litigation, likelihood of success on appeal, and other considerations, which bear on the advisability of appeal.

Represents DECA and/or the Office of General Counsel at DECA/DoD Personnel Law related training, conferences and/or events. Engages in OPM-mandated interagency training. Conducts personnel and labor law training to DeCA managers and supervisors, as well as Human Resources, EEO and/or OGC staff. Maintains close working relationship with internal and external stakeholders including Human Resources, the DLA, U.S. Attorney's Office; other personnel law counselors throughout the DoD and other agencies as deemed beneficial or as directed.

As required, provides legal advice, counsel, and representation on issues related to:

- A. Freedom of Information Act and Privacy Act Duties
- B. Administrative Law
- C. Contract and Fiscal Law Duties
- D. Ethics Counselor Duties.

Performs other duties as assigned.

KNOWLEDGE AND SKILLS REQUIRED:

RECRUITMENT KNOWLEDGE, SKILLS, AND ABILITIES:

1. Graduation from an accredited law school (LL.B. or J.D.) and active member of the bar of the highest court of a State, U.S. commonwealth, U.S. territory, or the District of Columbia.
2. In excess of three (3) years of experience commensurate with the duties and responsibilities of the position.
3. Any civil, criminal, or administrative litigation experience.
4. Ability to interpret law and provide authoritative legal advice concerning the various stages of personnel, involving complex and difficult legal problems.
5. Skill and ability to communicate effectively, both orally and in writing, with both professionals and non-professionals.
6. Comprehensive knowledge of Federal and State statutes, directives, and regulations of the various Executive Departments guidance applicable to government personnel law.
7. Skill in resolving extremely complex and difficult legal questions which will be precedent-setting in nature.
9. Ability to tactfully advise senior leadership, counsel and other agency officials on sensitive legal issues.

OTHER SIGNIFICANT FACTS:

Required to submit an OGE Form 450, Confidential Financial Disclosure Report annually.

May be required to travel by military and commercial aircraft in performance of officially assigned duties.

Must be able to obtain and maintain security clearance eligibility based upon appropriate investigation.

Grade Determination:

The grade of an attorney position is determined on the basis of the combination of the highest factor levels which are representative of the position:

Nature of the case or legal problem: This factor incorporates all those elements in a case or a problem which tend to make it more or less difficult to resolve satisfactorily. The levels for this factor are: TYPE I - simple, TYPE II - difficult, TYPE III - most difficult. TYPE III is assigned to this position because the cases involve complex issues requiring extensive research, analysis, and obtaining and evaluating of expert testimony in controversial areas such as labor litigation.

Level of responsibility: This factor incorporates all elements which indicate the level at which an attorney carries out his assignment. The factor includes the functions performed, the supervision and guidance received, the personal work contacts, and the nature and scope of recommendations and decisions. The levels for this factor are: A - beginning, B, C - intermediate, D, E - senior. At Level C, incumbents are expected to independently plan, organize, and conduct studies of the mill run of legal problems, cases, or legislative proposals encountered in their respective programs. At Level E, the incumbent drafts legislation or prepares complete reports on changes in basic legislation. Incumbent provides advice on the interpretation of law or on proposed changes in legislation, policy, and regulations is often given directly to cabinet officers, congressmen, or representatives of State and local governments. The intervening Level Dis assigned because it falls clearly between two of the levels C and E.

The Grade Conversion Chart shows that this combination of evaluation factors, TYPE III and Level D, equates to a GS-14 grade level.

Final Classification: GS-0905-14, Attorney-Adviser (Labor)