

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
Affiliated with the AFL-CIO
80 F St NW, Washington, DC 20001-1583

MEMORANDUM: Human Resources/ Vacancy #22

DATE: May 26, 2021

TO: ALL EMPLOYEES
National Headquarters and District Offices

FROM: Everett B. Kelley *Everett B. Kelley CBDC*
National President

SUBJECT: Vacancy Announcement- (National VA Council (NVAC) Staff Counsel,
G-11A/12A/13A/14A (Bargaining Unit Position)

The purpose of this memorandum is to advise you that a vacancy now exists for the position of (NVAC) Staff Counsel, Office of General Counsel, effective immediately.

Selection to fill the vacancy will be made according to the AFGE/OPEIU #2 Contract and the National Executive Council's policy on hiring.

Official Station: National Office

The attached position description outlines the duties, qualifications, and responsibilities of the position.

All interested applicants **must submit resume to jobs@afge.org**. Attention: (National VA Council (NVAC) Staff Counsel #22 to the Human Resources Department. Expressions of interest from (**internal candidates**) must be received by the close of business on Friday, June 4, 2021.

cc: National Executive Council
Finance Director
Chief Steward, OPEIU

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AFGE CAREER WEBSITE)

POSITION DESCRIPTION

American Federation of Government Employees (AFGE)

Department: General Counsel's Office
Location: National
FLSA Classification: Exempt
Position Title: (NVAC) Staff Counsel
Date of Revision/Creations: May 2021

I. INTRODUCTION

This position is located in the AFGE General Counsel's Office (GCO) at the AFGE National Office in Washington, D.C. GCO represents AFGE and its members in court, as well as in administrative litigation and arbitration at all levels. The NVAC Staff Counsel serves the AFGE National Veterans Affairs Council (NVAC), which represents bargaining unit employees at the U.S. Department of Veterans Affairs (DVA). The position works under the direct supervision of the NVAC Supervisory Attorney, in conjunction with the Deputy General Counsel for Litigation and the General Counsel who sets overall objectives and policies, specifies resources, and provides administration and litigation direction.

II. POSITION SUMMARY

The incumbent generally provides a broad range of legal advice and representation to NVAC officers and staff at all levels of the union, provides related advice and guidance and/or conducts litigation pertaining to the interpretation and application of: the Civil Service Reform Act of 1978, including the Federal Service Labor Management Relations Statute; Title 38 of the U.S. Code; Title VII of the Civil Rights Act of 1964, as amended; the Americans with Disabilities Act, as amended; the Rehabilitation Act; the Fair Labor Standards Act; the Labor-Management Reporting and Disclosure Act of 1959; Title V of the Code of Federal Regulations; the NVAC Master Labor Agreement; and related laws, rules, regulations and agency policies.

The incumbent is expected to use sound, independent judgment and to work on issues affecting the NVAC legal program, in coordination with the NVAC Supervisory Attorney and other NVAC Staff Counsels. At the direction of the NVAC Supervisory Attorney and NVAC leadership, the incumbent may be asked to take the lead on significant matters involving the NVAC and to interface directly and coordinate closely with officers of the NVAC. Information handled by the incumbent is often of an extremely confidential and sensitive nature and the incumbent is expected to treat such information accordingly.

At the G-11A through G-13A grade levels, the incumbent provides representation in arbitration and other administrative proceedings, such as those before the U.S. Federal Labor Relations Authority (FLRA) and the U.S. Merit Systems Protection Board (MSPB), and, on a more limited basis, in court. As the incumbent moves from the G-11 level through the G-13 level, assignments and cases will generally require the incumbent to successfully handle progressively more difficult and complex issues

and challenges. To achieve the G-14A grade level, the incumbent must have federal court litigation experience demonstrating the ability to handle complex court litigation independently, with minimal supervision. The G-14A level also requires extensive litigation and briefing experience and expert knowledge of federal sector labor law precedents, as well as a thorough knowledge of AFGE/NVAC policies, structure and procedures, and union objectives.

At all grade levels, the incumbent performs legal research and advises NVAC or other AFGE officials regarding the interpretation and application of the laws, regulations, constitutions, and other legal matters affecting the NVAC and/or the DVA, as referenced in Section II above. The incumbent also acts as a spokesperson for AFGE and its affiliates in meetings with DVA officials, administrative judges, state and federal judges, Congressional staff, and officials of AFGE affiliates and other unions. Similarly, the incumbent may be tasked at all grade levels with representing the NVAC in negotiations, or conferences with DVA personnel, senior government officials, attorneys from the DVA or the Department of Justice, union officers, retained co-counsel who may be from any state or federal jurisdiction, opposing counsel, or court personnel.

III. CONTROLS OVER WORK

The incumbent works under the direct legal supervision of the NVAC Supervisory Attorney, who makes assignments and issues instruction and guidance, and the Deputy General Counsel for Litigation. The incumbent works in close coordination with NVAC officers. The incumbent is expected to work creatively, effectively, and independently.

IV. QUALIFICATIONS

- The incumbent must have a Juris Doctor (J.D.) degree or higher from a validly accredited law school.
- The incumbent must be admitted or be eligible for admission to practice law before the District of Columbia Court of Appeals. The incumbent also should be admitted, or be eligible for admission, to practice law before the United States District Court for the District of Columbia, the United States Court of Appeals for the District of Columbia Circuit, and the United States Court of Appeals for the Federal Circuit.
- The incumbent must be a member in good standing of all bars to which the incumbent is admitted.
- Experience representing federal-sector unions and employees before arbitrators and administrative agencies, such as the MSPB, the Equal Employment Opportunity Commission, and the FLRA, and/or in federal courts, is preferred. Knowledge of federal-sector labor and employment law, especially laws and regulations relevant to DVA employees, along with commensurate oral and written advocacy skills, is also preferred. A thorough knowledge of AFGE structure, policies, and procedures, is helpful.
- The incumbent must have sound judgment and have a demonstrated ability to conduct legal research and provide verbal and written analysis and guidance in a concise and cogent manner, often on short notice, and be able to work cooperatively with union officers, members and staff, and Congressional staff, members of the public, and, on occasion, the media.

Additional qualifications are as follows:

At the G-11A level:

- Possess the ability to meet and deal appropriately with clients, government officials at the departmental level, staff for members of Congress, AFGE or NVAC managers and staff, members of AFGE's National Executive Council, AFGE affiliates' officials, and officials of other unions.
- Knowledge of arbitration and litigation as well as written and oral advocacy skills.

At the G-12A level:

- A minimum of 1 year experience as an attorney litigating extensively at the administrative and/or judicial level.
- A minimum of 1 year experience in labor law and 1 year experience in federal personnel law.
- A minimum of 1 year as an attorney at the G-11 or equivalent level.
- Experience in arbitration as well as written and oral advocacy.

At the G-13A level:

- A minimum of 3 years' experience as an attorney litigating extensively at the administrative and/or judicial levels.
- A minimum of 3 years' experience in labor law, and 2 years' experience in federal personnel law.
- A minimum of 1 year as an attorney at the G-12 or equivalent level.
- Demonstrated success in arbitration as well as written and oral advocacy.

At the G-14A level:

- At least five years of experience as an attorney litigating extensively at the administrative and judicial levels.
- At least five years of experience in labor law and two years of experience in federal-sector labor and personnel law.
- At least one year of experience as an attorney at the G-13 or equivalent level.
- Demonstrated success in arbitration as well as written and oral advocacy.
- Representational court litigation experience demonstrating the ability to handle complex court litigation independently, with minimal supervision.
- Extensive litigation and briefing experience and expert knowledge of federal sector labor law precedents, as well as a thorough knowledge of AFGE/NVAC policies, structure and procedures, and union objectives.

V. WORK ENVIRONMENT

This job operates primarily in a professional office environment at AFGE, and sometimes in a DVA administrative or medical facility, or a local union office. The incumbent routinely uses standard office equipment such as computers, phones, photocopiers, filing cabinets and fax machines. Periodically long hours are required. Incumbent will often experience constant interruptions and inflexible

deadlines. The noise level in this environment varies from quiet to loud. Duties are performed primarily indoors.

Travel is required. Occasional travel for longer periods of time may be necessary. Travel may be on short notice, with possible extended temporary duty assignments outside the metropolitan D.C. area. Travel is primarily local during the business day, although out-of-area and overnight travel may be expected. A valid driver's license is required.

VI. PHYSICAL DEMANDS

While performing the duties of this job, the incumbent is regularly required to talk and hear. The incumbent frequently is required to stand, to walk, to use hands to finger, handle or feel, and to reach with hands and arms. This position requires the ability to occasionally lift office products, files, and supplies, up to 25 pounds.

Incumbent will perform the bulk of his or her duties in an office environment at a desk with a computer. Incumbent must be able to work in a stationary position for extended periods of time. Incumbent must be able to pick up and deliver documents between individuals, offices, and on occasion other buildings. Incumbent frequently communicates information with members, union officers, arbitrators, judges, clerks, and attorneys inquiring about the status of the case by talking and listening on a telephone and/or telephone conference call. Must be able to understand questions posed by these individuals, remain patient, pleasant and exchange accurate information with them. Vision ability sufficient to view a computer screen for long periods of time while closely observing the details of complex and lengthy digital documents is required. Incumbent operates a computer and a computer printer almost constantly.

The physical demands described here are representative of those that must be met by an employee, with or without reasonable accommodation, to successfully perform the essential functions of this job.

VII. EEO STATEMENT

AFGE provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability, genetic information, pregnancy, marital status, sexual orientation, personal appearance, gender identity and/or gender expression. In addition to federal law requirements, AFGE complies with applicable state and local laws governing nondiscrimination in employment in every location in which the company has facilities. The policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.