

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

MEMORANDUM: Human Resources/ Vacancy #44

DATE: October 15, 2021

TO: ALL EMPLOYEES
National Headquarters and District Offices

FROM: Everett B. Kelley *Everett B. Kelley CB/DC*
National President

SUBJECT: Vacancy Announcement – Legal Rights Attorney, G-11A/12A/13A, Office of General Counsel.

The purpose of this memorandum is to advise you that a vacancy now exists for the position of Legal Rights Attorney, Office of General Counsel, effective immediately.

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

Official Station: National Headquarters

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

All interested applicants must submit resume to jobs@afge.org, Attention: Vacancy Announcement #44 to Human Resources. Expressions of interest from **(internal candidates)** must be received by the close of business on Monday, October 25, 2021.

cc: National Executive Council
Finance Director
Chief Steward, OPEIU

FOR BULLETIN BOARD POSTINGS:
NOT TO BE REMOVED
(ADDITIONAL COPIES OF THIS POSTING MAY BE OBTAINED FROM
AFGE CAREER WEBSITE)

POSITION DESCRIPTION

American Federation of Government Employees (AFGE)

Department: General Counsel's Office

Location: National Office

FSLA Classification: Exempt

Position Title: Legal Rights Attorney

Date of Revision/Creations:

CLASSIFICATION: Legal Rights Attorney

I. INTRODUCTION

The General Counsel's Office (GCO) of the American Federation of Government Employees (AFGE) provides a broad range of legal assistance to AFGE, its officers, members, employees, and affiliates. The Legal Rights Attorney position is focused on affirmative administrative litigation aimed at protecting the employment and union rights of bargaining unit employees.

This position is FLSA-exempt, and is located in GCO at AFGE Headquarters, Washington, DC. Frequent travel is required and must be authorized in advance by the General Counsel and/or the Deputy General Counsel for Litigation, or their designee(s).

II. MAJOR DUTIES AND RESPONSIBILITIES

The incumbent of the Legal Rights Attorney position is primarily responsible for providing first-chair representation in affirmative administrative litigation that may lead to the recovery of back pay, and to the recovery of prevailing party attorney's fees for deposit into the AFGE Legal Representation Fund. The incumbent is regularly called upon to exercise independent judgment and discretion when evaluating and litigating assigned matters.

Assignments may include, but are not limited to, the independent and competent handling of all aspects of grievance and arbitration litigation, appropriate unfair labor practice proceedings; arbitration award appeals; fee-generating arbitration, MSPB, or EEO proceedings; interpretation of agency rules and regulations; as well as providing other legal advice, training, or assistance as may be necessary. This work often entails, without limitation, engaging in discovery or making information requests, evaluating, and organizing evidence and/or exhibits, preparing witnesses, and researching, drafting, and submitting motions, memoranda, and/or legal briefs, and putting on the union's case or the case of an individual bargaining unit member or members. Assignments may also include providing legal advice and guidance to AFGE, its officers, members, and employees, conducting training or legal clinics, and providing such other assistance as may be necessary.

III. WORK ENVIRONMENT

This job operates in a professional environment working to establish Federation and Departmental goals. The incumbent will routinely use standard office equipment such as computers, fax machines, scanners, and phones. Long hours are periodically required. The employee will periodically be required to do some lifting and/or move items over 10 pounds.

IV. CONTROLS OVER THE POSITION

The incumbent reports to and works under the day-to-day legal supervision of the AFGE General Counsel and Deputy General Counsel for Litigation. The incumbent ordinarily receives assignments from the Deputy General Counsel. Assignments are subject to generally applicable legal policies and procedures established by the General Counsel and/or Deputy General Counsel, as well as policies and procedures established by the AFGE National Executive Committee. The incumbent will consistently keep the General Counsel and Deputy General Counsel(s), advised as to the status of assignments, workload, and matters of concern to AFGE and GCO. The incumbent is responsible for timely reviewing assigned matters and providing the General Counsel and Deputy General Counsel with recommendations as to whether GCO should offer representation. The incumbent may not offer or decline to offer representation in any case.

When handling matters that are capable of generating an award of prevailing party attorney's fees, the incumbent is responsible for: maintaining contemporaneous time records using a system approved by GCO; performing legal work in a manner consistent with the ethical and other requirements for an award of market rate attorney's fees; seeking market rates fees for deposit into the AFGE Legal Representation Fund, whenever feasible; and for assisting GCO with maintaining accurate records of fees deposited in the AFGE Legal Representation Fund.

V. QUALIFICATIONS

The incumbent must have a J.D. degree from a validly accredited law school. The incumbent must also be a member in good standing of all bars to which the incumbent is admitted. At all grade levels, the incumbent must possess the judgment and ability necessary to meet and deal appropriately with government officials of varying levels of authority, Congressional staff, AFGE officers, members, and staff, including members of AFGE's National Executive Council, and officials of other unions.

Grade11A Level:

- Basic knowledge of federal-sector personnel and labor-relations law, including grievance arbitration, unfair labor practice complaints, and MSPB appeals.
- One year or less of litigation experience in contested matters.
- Ability to work with minor supervision and technical assistance on cases that present conventional issues for which clear-cut precedent exists. The incumbent is expected to regularly handle arbitrations, MSPB hearings, EEO matters and other administrative cases with little assistance and with a high level of independence.

- Incumbent must be admitted or eligible for admission by waiver, within 6 months, to the Court of Appeals for the District of Columbia.

Grade 12A Level:

- Working knowledge of federal sector labor-relations, including grievance arbitration, unfair labor practice cases, negotiability appeals, and MSPB appeals.
- At least one year of experience at the Grade 11A level or equivalent.
- Demonstrated litigation experience as a first or second-chair attorney in federal-sector administrative hearings.
- Ability to work independently, and with minimal technical assistance, on cases that present conventional issues for which clear-cut precedent exists. Incumbent is proficient at handling simple arbitrations, MSPB hearings, EEO matters, and can handle more difficult matters with minor assistance.
- Incumbent must be admitted or immediately eligible for admission by waiver to the Court of Appeals for the District of Columbia.

Grade 13A Level:

- Advanced knowledge of federal sector labor-relations, including grievance arbitration, unfair labor practice cases, negotiability appeals, and MSPB Appeals.
- At least 2 years' experience as an attorney at Grade 12A or equivalent.
- Demonstrated and significant litigation experience as a first chair attorney in federal-sector administrative hearings or court hearings.
- Ability to work independently, and with minimal technical assistance, on all but the most difficult cases, including a demonstrated ability to work independently on moderately complex issues for which precedent may not be clear cut or may not exist.
- Incumbent is proficient at handling a wide range of arbitrations, MSPB appeals, EEO matters, and other administrative cases.
- Incumbent must be admitted to the Court of Appeals for the District of Columbia.

VI. 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.