

STATE OF WISCONSIN
CLASSIFICATION SPECIFICATION

ATTORNEY

I. INTRODUCTION

A. Purpose of This Classification Specification

This classification specification is the basic authority under ER 2.04, Wis. Adm. Code, for making classification decisions relative to present and future represented positions in the classified service that require a license to practice law in the State of Wisconsin, that function as Administrative Law Judge or Staff Counsel. This classification specification will not specifically identify every eventuality or combination of duties and responsibilities of positions that currently exist, or those that result from changing program emphasis in the future; rather, it is designed to serve as a framework for classification decision making in this occupational area.

Classification decisions must be based on the “best fit” of the duties within the existing classification structure. The “best fit” is determined by the majority (i.e., more than 50%) of the work assigned to and performed by the position when compared to the class concepts and definition of this specification or through other methods of position analysis. Position analysis defines the nature and character of the work through the use of any or all of the following: definition statements; listing of areas of specialization; representative examples of work performed; allocation patterns of representative positions; job evaluation guide charts, standards or factors; statements of inclusion and exclusion; licensure or certification requirements; and other such information necessary to facilitate the assignment of positions to the appropriate classification.

B. Inclusions

This classification encompasses Attorney positions that provide professional legal services and function as Administrative Law Judge or Staff Counsel in state agencies.

C. Exclusions

Excluded from this classification are the following types of positions:

1. Positions that do not require a license to practice law in the state of Wisconsin.
2. Positions that meet the definition of management, confidential or supervisor, as defined in s. 111.81, Wis. Stats.
3. Positions that function as an Assistant Attorney General in the Department of Justice.
4. Positions that function as Attorney in the unclassified service.

5. All other positions that are more appropriately identified by other classification specifications.

D. Entrance Into This Classification

Employees enter this classification by competition.

II. DEFINITION

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Positions in this classification perform the following illustrative examples of work. The examples are illustrative only and are not intended to be all encompassing.

Advises state agency officials and/or the general public on the interpretation of laws and rules. Counsels state agencies and others on the establishment of agency policies and procedures. Acts as a legal expert and performs specialized legal services relating to one or more areas of law. Assists in the preparation, trial and argument of cases in the various courts. May conduct litigation in state and federal courts, both trial and appellate. Prepares pleadings, briefs and allied court papers, legal options, administrative rules, orders and all types of legal documents and memorandums. Prepares findings of fact and conclusions of law, and issue orders. Analyzes proposed legislative bills, interprets impact, suggests alternatives and may appear before the Legislature to clarify content. Administers oaths, examines witnesses, and issues subpoenas requiring appearance of witnesses and the production of documents. Presides at and conducts formal and informal hearings of varied complexity in connection with the administration of state laws and regulations. Appraises and analyzes facts, evidence and precedents in developing legal issues and in applying legal principles. Advises authors of legislative bills of statutory implications, drafts bills and amendments, resolutions and petitions. Drafts proposed revisions to administrative rules. Confers with agencies on the preparation and revision of administrative rules.

Representative Positions:

Administrative Law Judge: Positions spend the majority of time presiding at and conducting formal and informal hearings of varied complexity in connection with the administration of state laws and regulations. These positions may also perform any combination of duties described under the general definition statement above for less than a majority of the time.

Staff Counsel: Positions spend the majority of time functioning as either a legal generalist or a legal specialist in a defined program area, advising state agency officials and the general public on the interpretation of laws and rules. These positions may also perform any combination of duties described under the general definition statement above, including functioning as an administrative law judge, for less than a majority of the time.

III. QUALIFICATIONS

The qualifications required for these positions will be determined at the time of recruitment. Such determinations will be made based on an analysis of the goals and worker activities performed, and by an identification of the education, training, work, or other life experience which would provide reasonable assurance that the knowledge and skills required upon appointment have been acquired. All positions

require the employee to have graduated from an accredited law school. In addition, the individual must also be licensed or eligible to obtain a license to practice law in the State of Wisconsin. The individual must be licensed prior to the completion of his/her probationary period in order to obtain permanent status. Whether or not the individual must be licensed upon hire or upon completion of probation will be established by the hiring agency during the initial phases of the recruitment process.

IV. ADMINISTRATIVE INFORMATION

These classifications were created effective June 4, 2000, and announced in Bulletin CLR/SC-112. This single classification replaces the Attorney 13, Attorney 14 and Attorney 15 classifications that were abolished on the same date and announced in the same Bulletin. These classification actions were necessary in order to accommodate the broadband pay structure that was negotiated with the Wisconsin State Attorney's Association (WSAA) for the 1999-2001 collective bargaining agreement. This classification specification was modified effective October 3, 2004 to provide clarification in the qualifications' section of the specification. This modification was announced in Bulletin OSER-0052-MRS-SC. The classification specification was modified effective June 30, 2013 and announced in Bulletin OSER-0327-MRS/SC to remove references to the Assistant Attorney General positions in the Department of Justice in accordance with the Budget Bill.

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