



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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MEMORANDUM

TO: The Commission
FROM: James A. Pehrkon
Staff Director
DATE: December 21, 1999
SUBJECT: Personnel

AGENDA ITEM
For Meeting of: 1-13-00

The attached personnel action is submitted for your approval on a 96 hour no-objection basis.

OFFICE OF THE GENERAL COUNSEL

Establishment of a new management attorney position. The position description has been classified at the GS-15 level in the 905 occupational series for attorneys.

**Office of Personnel and Labor Relations
Federal Election Commission**

MEMORANDUM

Date: December 21, 1999

To: James A. Pehrkon, Staff Director, FEC

Via: William J. Fleming, Director, Personnel *WJF*

From: Scotty McBride, Personnel Management Specialist, Personnel *SM*

Subject: Approval for Establishing GS-15 Special Assistant General Counsel
Position in the Office of the General Counsel

The General Counsel has requested the establishment of a new management attorney position. The incumbent would provide policy guidance to the General Counsel on OGC activities which affect the work of the Commission and internal OGC operations. In addition, the person would serve as personal and confidential legal advisor to the General Counsel on administrative issues and special legal research projects.

The attached position description has been classified at the GS-15 level in the 905 occupational series for attorneys. The GS-15 grade is supported by the policy work of the position. The administrative work does meet the GS-15 level.

The position description is to be circulated to the Commission on a No Objection basis.

**FEDERAL ELECTION COMMISSION
OFFICE OF THE GENERAL COUNSEL**

**SPECIAL ASSISTANT GENERAL COUNSEL
GS-905-15**

INTRODUCTION

The incumbent of this position serves as the Special Assistant General Counsel and, in that capacity, is responsible for providing the General Counsel (GC) with formal advice, recommendations and opinions on a range of issues relating to major new policy directions, programs and initiatives. In addition, the incumbent serves as managing attorney responsible for coordinating and overseeing administrative matters in the Office of General Counsel. The incumbent has primary responsibility for supervising the administrative staff within the immediate office of the General Counsel.

The Federal Election Commission (FEC) performs the unique role of regulating the financial aspects of political campaigns for Federal office. It also administers the public financing of presidential campaigns. The Office of the General Counsel (OGC) supports this critical role by directing the FEC's enforcement activities, by interpreting the Federal Election Campaign Act (FECA), and by advising the Commission on legal matters brought before it. The FEC has exclusive jurisdiction over civil enforcement of the FECA found in Title 2 of the United States Code and the Public Financing statutes found in Chapters 95 and 96 of the Internal Revenue Code. OGC is responsible for drafting regulations, advisory opinions and other legal memoranda which interpret the FECA.

As personal and confidential legal advisor to the General Counsel, the incumbent is accountable for initiating, providing direction for, and carrying out broad and complex policy planning and review, and participating in the development of long-range goals and objectives for the Office of General Counsel. The incumbent serves as project manager on highly complex legal research and administrative projects for which there are few or no existing precedents. In so doing, the incumbent engages in important policy-making determinations that significantly impact OGC operations, the Commission, and members of the public. The incumbent's work requires sound judgment and experience, discretion, and broad knowledge of law, the Federal Campaign Act, and the work processes, policies, and procedures of OGC operations and functions in order to conduct studies and analyses that affect OGC's future operations. In addition, the incumbent must be familiar and comfortable in exploring innovative and progressive information technology (IT) solutions to meet OGC and FEC management needs. The incumbent works with the Legal Information System Manager in preparing an annual OGC IT strategic plan each fiscal year based on an annual needs assessment which identifies and prioritizes projects within each section and across OGC.

DUTIES AND RESPONSIBILITIES:

1. PERSONAL AND CONFIDENTIAL LEGAL ADVISER TO THE GENERAL COUNSEL

The incumbent provides policy guidance on OGC activities which affect the work of the Commission and internal OGC operations.

- Personal advisor and consultant to the General Counsel responsible for rendering formal advice, recommendations and opinions on a range of issues relating to major new policy directions, programs and initiatives.

- Serves as project manager on highly complex legal research and administrative projects.
- Assigned work on projects for which there are few or no existing precedents. Responsible for developing each assignment independently, outlining the approach to be made, analyzing the material submitted in the proceeding as well as other pertinent material, evaluating such material, conducting legal and other research, and writing documents in a cogent, logical, and well-documented form.
- Must coordinate his or her efforts with other program areas of the Office of General Counsel and other divisions within the Commission.
- Projects require detailed knowledge of statutes and regulations.
- Prepares legal memoranda, contracts, procedures or other recommendations.
- Assists the General Counsel in specific legal research and policy assignments. Drafts speeches and presentations.
- Provides legal advice to the General Counsel on all sensitive and confidential matters.
- Represents the General Counsel on assigned matters as directed.
- Handles legislative matters in the Office of General Counsel. Serves as liaison to Congressional Affairs Officer.

2. MANAGING ATTORNEY

The incumbent provides leadership in planning and facilitating the direction of the Office of General Counsel's administrative programs with respect to management analysis, procurement, personnel, and space management. Evaluates internal administrative activities and reports status and performance of critical work activities to the General Counsel.

GENERAL MANAGERIAL RESPONSIBILITIES

- Initiates, provides direction for, and carries out broad and complex policy planning and review, and participates in the development of long-range goals and objectives for the Office of General Counsel and the agency.
- Responsible for assessing the administrative program needs of the Office and determining the most effective way to provide or acquire these services.
- Provides leadership in planning and facilitating the direction of the Office of General Counsel's administrative program with respect to management analysis, procurement, personnel, and space management.
- Works with the Legal Information System Manager in preparing an annual OGC IT strategic plan each fiscal year based on an annual needs assessment which identifies and prioritizes projects within each section and across OGC.

- Provides management advisory services to senior managers, supervisors, and employees on a continuous basis.
- Serves as liaison to the Deputy Staff Director and staff in other Commission divisions, including the Administrative Division, Planning and Management, Personnel and Labor Relations, Payroll, Data Systems Development Division, EEO Officer, and Congressional Affairs Officer.
- Represents the General Counsel with Commissioners and their staff and persons outside the agency, as directed.

PERSONNEL

- Responsible for advising the General Counsel on a wide range of personnel and labor-management matters.
- Serves as the point of contact between the General Counsel and the Personnel Office on personnel, labor-management relations and related matters.

TRAINING

- Identifies training needs and manages the development and presentation of appropriate training and technical assistance; designs appropriate training courses.
- Assists managerial staff and employees in identifying training options and sources on a variety of topics and coordinating their attendance with the Personnel Office.
- Examines funding requirements for training and technical assistance programs.
- Stays informed of the latest developments in training.

RECRUITING

- Responsible for coordinating office-wide recruiting programs.
- Facilitates hiring new staff for specific program areas.

NEW EMPLOYEE ORIENTATION

- Coordinates new employee orientation.
- Coordinates substantive training programs.

AWARDS AND RECOGNITION

- Tracks awards and recognitions made in the Office.
- Monitors the cash award budget.
- Coordinates with management staff on awards and recognitions.

LABOR RELATIONS

- In consultation with the Director of Personnel, advises the General Counsel on labor-management issues.
- Represents the General Counsel in bargaining negotiations and other meetings with labor union representatives.

DIVERSITY

- Serves as a point of contact with EEO Officer on diversity issues.

STRATEGIC PLANNING, BUDGET DEVELOPMENT AND EXECUTION

- Coordinates preparation of budget request and fiscal year management plans in the Office of General Counsel.
- Responsible for budget execution in the Office of General Counsel.
- Serves as the point of contact between General Counsel and Deputy Staff Director or Planning and Management Division on strategic plans, budgetary matters, fiscal year budgets, fiscal year management plans, monthly budget statistics (Monthly Information Summary Report), and other related matters.
- Presents alternative and effective recommendations in the area of budget allocations and cutbacks.
- Responsible for compiling and maintaining information on office productivity.
- Facilitates strategic planning process within the Office of General Counsel.
- Assists the General Counsel at meetings of the Commission Finance Committee and other meetings regarding budget matters as directed.

ADMINISTRATIVE MATTERS

- Responsible for directing and coordinating administrative matters in the Office of General Counsel; Makes recommendations to the General Counsel to address identified administrative needs in the Office.
- Responsible for addressing office space, equipment, and other administrative needs of the Office.
- Serves as point of contact between the Office of General Counsel and the Administrative Division on office space requirements, procurements, furniture and equipment needs, necessary repairs and other related matters.

3. SUPERVISION OF ADMINISTRATIVE STAFF

- Supervises administrative staff within the Immediate office of the General Counsel, including Special Assistant, Administrative Assistant, and Administrative Clerk. Sets priorities and goals, establishes deadlines, and ensures timely completion of work assignments. Assigns work assignments according to complexity and capability of employees. Recommends and discusses needed changes in work priorities and operations. With General Counsel, interviews candidates for positions in the Immediate office of General Counsel and/or recommends appointment, promotion, or reassignments to positions within the GC office. Hears and resolves complaints from administrative staff under his or her supervision, referring group grievances and more serious unresolved complaints to the General Counsel.
- Provides guidance and direction to Legal Information System Manager.
- Furthers equal employment opportunity by: demonstrating evidence of fairness in recommending selections for positions and promotions; encouraging and recognizing employee achievements; and demonstrating sensitivity to the developmental needs of all employees.

KNOWLEDGE REQUIRED BY THE POSITION

Knowledge and skill sufficient to provide the General Counsel with analysis, advice, and assistance in the area of federal campaign finance law. The position requires a comprehensive knowledge of the Federal Election Campaign Act, Title 2 U.S.C., and Public Financing statutes found in Chapters 95 and 96 of the Internal Revenue Code sufficient to provide authoritative, direct assistance to the General Counsel.

Comprehensive knowledge and understanding of the substantive aspects of OGC policies and operations, including the purposes, goals, objectives, functions, policies, and procedures that guide various OGC and FEC programs in order to conduct studies and analyses and make recommendations that affect OGC's future operations.

Mastery of pertinent research and analytical methodologies to conduct highly complex legal research. Legal work is characterized by one or more of the following features:

- 1) extremely complex and difficult legal questions or factual issues involved in the drafting, interpretation or application of legal documents and require for their resolution a high order of original and creative legal endeavor in order to obtain a reasonable balance of conflicting interests; or complex factual or policy issues are involved requiring extensive research, analysis, and obtaining and evaluating information in controversial or highly technical areas;
- 2) case or problem is such that it can have the effect of substantially broadening or restricting the activities of an agency or it has an important impact on major public or private interests or is a problem involving unusual delicacy because of the serious consequence of error.

Knowledge and understanding of the federal and agency budget process, policies, and regulations, including composition and content, planning and budget formulation, presentation, and execution sufficient to coordinate OGC's budget request and fiscal year management plans and to oversee budget execution activities in the Office of General Counsel.

Knowledge of personnel practices and requirements with the Commission and experience in the management of human resources sufficient to plan, develop, and implement OGC's human resource management program, which involves the recruitment, retention, motivation, and development of OGC personnel.

Skill in dealing with decision makers and their immediate staffs.

Skill in assessing the political and institutional environment in which decisions are made and implemented.

Ability to explore and present fully the many facets of a policy issue.

Ability to exercise judgment in all phases of analysis, ranging from sorting out the most important problems, to shifting evidence, and framing feasible options.

Ability to effectively express ideas orally and in writing, using appropriate language, organizing ideas, and marshaling facts in an objective manner.

Ability to work effectively under pressure of tight time-frames and rigid deadlines.

SUPERVISORY CONTROLS

The incumbent reports directly to the General Counsel who makes assignments in terms of broadly defined objectives. The incumbent independently plans, coordinates, and carries out projects with a high degree of professional judgment and informs the supervisor of progress as appropriate. He/she alerts the supervisor of potential controversies and conflicts that may affect administrative operations and functions. The incumbent's work products and recommendations are accepted as authoritative and technically correct, and they are reviewed only for possible effect on broad office goals and objectives.

GUIDELINES

Guidelines consist of the legislation, regulations, and broad Commission policy statements that address, interpret, and impact federal campaign finance laws and their enforcement. These include the Federal Election Campaign Act of 1971, as amended, the Presidential Election Campaign Fund Act, the Presidential Matching Payment Account Act, Commission regulations, and the Constitution of the United States. In addition, decisions by the Commission, courts, and the Comptroller General provide precedent for actions by the Commission and serve as valuable guidelines. Guidelines are rarely directly applicable to the complex problems and situations encountered. The incumbent must exercise considerable judgment in interpreting and adapting existing precedents and in developing new and improved approaches to analyze, develop, and present authoritative information or analyses on controversial and nationally important subjects to persons or groups with conflicting views.

COMPLEXITY

Assignments involve broad functions and varied duties, such as budget formulation and resource allocation; analyzing of highly complex legal issues; serving as project manager for critical administrative projects; and evaluating OGC programs and recommending improvements. The work involves a broad range and in-depth understanding of technical, policy, budgetary, and human resource factors that affect the achievements of OGC's goals and objectives. The work involves analyses of highly complex issues that require extensive researching and consideration of applicable legislation and policies, program priorities, and resource requirements. Assignments may be unique and one-of-a-kind in nature, without procedural precedent and require the incumbent to employ a high degree of versatility of exercising judgment in problem solving. Studies and analyses are often of such scope and intensity that the incumbent may be required to direct a team effort with other subject-matter experts. The work aids policy makers in interpreting and analyzing policy problems of national importance.

SCOPE AND EFFECT

The work involves identifying and defining problems, issues, and questions, and developing reports, summaries, and recommendations that influence OGC actions, policies, and/or resource allocation decisions. At the General Counsel's request, plans and conduct analyses of vital public policies having to do with federal campaign finance laws which are of national interest, scope, and impact. The work performed by the incumbent provides policy makers with authoritative information and analyses and provides a basis for decisions affecting major current and long-range policies and proposals that affect the activities and operation of federal elections and campaign finance laws and regulations. Results of work are vital to achieving OGC's mission and may affect staff and operations on a long-term, continuing basis.

PERSONAL CONTACTS

Contacts are with FEC senior staff including the General Counsel, Commissioners and their staffs, Staff Director, Deputy Staff Director, OGC managers and staff, Assistant Staff Directors and staff, Director of Congressional Affairs, and Director of Planning and Management.

PURPOSE OF CONTACTS

The incumbent serves as the primary OGC liaison to the Deputy Staff Director and staff in other Commission divisions, including the Administrative Division, Planning and Management, Personnel and Labor Relations, Payroll, Data Systems Development Division, EEO Officer, and the Congressional Affairs Officer. Contacts are for planning, coordinating, and directing a broad range of activities, including receiving and providing information necessary to negotiate solutions to problems, coordinate work requirements and projects, carry out strategic planning, budget development and execution activities, and disseminate policy and guidelines.

PHYSICAL DEMANDS

None.

WORK ENVIRONMENT

The Incumbent's work is performed in an office setting.

