



GENERAL COUNSEL/STAFF ATTORNEY CLASS SERIES GUIDEBOOK

Abstract

This guidebook is designed to help HR practitioners make sound audit determinations to the
General Counsel / Staff Attorney Classification series

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General Counsel/Staff Attorney Class Series Guidebook

Introduction

MMB initiated a classification initiative to review the work of general counsel and legal positions across the enterprise over a multi-year period, commencing in 2022. The goal of the initiative was to promote consistency across the enterprise and outline the distinguishing characteristics between positions and their respective classifications, as well as assist in clarifying career pathways for attorney and legal counsel positions. The outcome is creation of the General Counsel/Legal Classification Series.

This guidebook is designed to help HR practitioners make sound audit determinations to the series. The level of a particular position in a classification series is based on a combination of factors not always present in class specifications. Among these factors are the degree of autonomy or authority, the role and scope of the position in the overall program/operation and the position's relationship to others in a unit, department and/or state service as a whole. This guidebook provides supplemental information which is to be used in tandem with class specifications, benchmark position descriptions, and other audit materials.

Career Family: Law

This career family includes work concerned with the practice of one or more phases of law including representing the government and the preparation of legal documents, protecting the public, maintaining law and order, detecting and preventing crime. Incumbents conduct hearings, criminal and civil lawsuits; draw up legal documents; advise clients as to legal rights and practices other phases of law; gather evidence in civil, criminal and other cases to formulate defense or initiate legal action. This family is not divided into career series.

General Counsel/Staff Attorney series Class Concept

Title: General Counsel/Legal Class Series (class codes: 003943 - 003949)

Occupational Family: Corrections, Public Safety and Legal

Job Family: Law

Kind of work: Professional/Supervisory/Management legal work

Class-Series Concept (i.e., characteristics of work performed by positions in this class series)

Professional/Supervisory/Management work providing legal services to a state agency; performs as the primary contact for all legal matters of the department including litigation, data privacy functions, administrative law functions, rulemaking, policy creation and compliance, litigation settlements, and legal compliance activities; provides legal advice and counsel to senior staff and makes recommendations on appropriate legal action based on existing laws, policies, and practices; liaisons with Attorney General's Office on litigation matters.

Positions in this series require a Juris Doctorate and a license to practice law in the State of Minnesota. Positions in this series require the incumbent to claim attorney-client privilege over communications and advice and bind agency and legal documents, such as settlement agreements in judicial proceedings.

Key Activities:

Procurement and contracting
Strategy and senior management advisement
Liaison with Attorney General's office as it relates to litigation/active lawsuits
Data privacy and data security functions
Legal compliance
Department's policies and procedures
Agency's legal training
Legal Research and opinions
Investigation and discovery
Subpoenas
New legislation
Legal advice and guidance

Number of levels in series: 7

Class titles in series (with links to class specs):

[003943](#) General Counsel 1 (MGR)
[003944](#) General Counsel 2 (MGR)
[003945](#) General Counsel 3 (MGR)
[003946](#) Staff Attorney 1 (MAPE)
[003947](#) Staff Attorney 2 (MAPE)
[003948](#) Staff Attorney 3 (MAPE)
[003949](#) Staff Attorney Supervisor (MMA)

General Counsel 1, 2, and 3 Examples of Work

There are several functions and tasks performed by positions in the General Counsel series that may be done at all levels of the classification series. These examples are intended to serve as a guide to determine if the General Counsel series is the appropriate match for the type of work performed by a position. Class specifications for each classification provide more detail on the distinguishing factors between each job classification.

Positions allocated to any class within the General Counsel series must have the ability to perform the following:

- Claim privilege over communications and work product.
- Bind agency and legal documents, such as settlement agreements in judicial proceedings.
- Litigate and/or give privileged legal advice.

Legal Advice

Routinely advise the agency head on major decisions and courses of action.

Provide legal advice to Department managers, directors and executive management on a variety of complex legal issues.

Advise on final Commissioner decisions and serve as the Commissioner's designee in resolving legal actions, including settlements and negotiations.

Analyze complex problems with multiple variables that require independent critical thinking, coordination with multiple parties, and striking balance between literal application of law, practical administration of policy, and needs of agency and clients.

Evaluate legal risk and exposure for agency decisions through research and analysis of retroactive, current and future impacts. Advise on newly developed programs, legislation, and regulations based on evaluation of legal impacts.

Strategic Leadership

Provide authoritative oversight, direction, and coordination of the department's functional legal activities.

Participate as a member of the executive leadership team and meet with the Commissioner, Deputy Commissioners, and other executive management team members to exchange information, plan strategy, and assess progress.

Direct the management of the office operating budget and any agency-wide accounts, and/or fiscal resources needed for compliance with laws and practices.

Hire, manage, mentor, review, evaluate, and train staff. Lead, promote and carry out the agency's goals related to diversity and the establishment of an inclusive workplace.

Provide leadership and direction to the office and the agency in the development of policies, procedures, and controls to ensure that agency management decisions affecting the allocation of resources are made within a consistent, effective and appropriate framework.

Manage the development of legal training to department managers and staff on a variety of legal topics to ensure that staff understand their responsibilities under applicable laws.

Initiate and manage special studies to evaluate and resolve legal issues that are critical to the agency, on behalf of the Commissioner, so that legal issues and concerns are addressed in a positive and confidential manner.

Provide and manage the provision of legal services necessary for the agency's dissemination of legally accurate information.

Manages the legal work of the agency by providing legal guidance and assistance to subordinate staff as an expert in the legal and regulatory environment of the agency.

Agency Legal Representation

Serve as primary liaison to the Office of the Attorney General.

Act as department legal counsel in matters delegated by the Attorney General, serving as lead counsel in negotiating complex legal disputes prior to filing of lawsuits.

Integrate the provision of legal services with agency program units so that the mission and goals of the agency are realized.

Negotiate and authorize settlements for the Department; enter into contracts; authorize programmatic decisions on behalf of the Commissioner, exercise authority to sign documents related to rulemaking and contested case proceedings.

Knowledge, Skills and Abilities

Knowledge of:

Comprehensive knowledge on a significant number of laws and regulations requiring a deep and thorough understanding in a rapidly changing legislative environment, impacting multiple programs.

Strategic planning, management, organizational behavior and public policy development.

Strong working knowledge of the organization, operation of other administrative state agencies, other relevant state and federal agencies,

Current developments and changes in all areas of the law that impact the agency.

The principles of public administration, legislative processes, law office management, leadership, performance management, human relations and project planning and management.

Litigation practices and negotiation and settlement strategies and techniques.

Skill in:

Investigation, litigation and appellate advocacy skills in both civil and administrative law.

Articulating and communicating complex issues clearly and concisely to a variety of audiences both orally and in writing, establish credible relationships with elected officials, and make effective public addresses and formal presentation.

Independent critical thinking which strikes a balance between literal applications of the law and practical administration of policy and the needs of the agency, clients and customers.

Selection, development and supervision and evaluation of attorneys in litigation and general counsel settings.

Maintaining composure and convey competency in highly visible, sometimes stressful situations while exhibiting respect and sensitivity, including those over which the incumbent has no authority.

Ability to:

Organize facts and apply legal principle and pertinent statutes and understand and explain federal and state laws, rules, regulations, policies and programs.

Conduct independent analysis of complex regulations and case law in order to recognize legal issues to determine an appropriate course of action to remedy problems.

Absorb vast amounts of legal and technical information on complex topics and resolve complex problems involving multiple variables.

Apply independent judgement as legal actions are not closely prescribed by regulations and procedures.

Delegate authority and responsibility and effectively monitor performance and ensure accountability. Effectively organize, plan and coordinate groups and prioritize work.

Make difficult decisions, implement those decisions and the willingness to accept responsibility and be accountable for the decision.

Clearly communicate recommendations and rationale to diverse groups both across and outside the agency (Governor's Office, business leaders, legislators, and agency employees, etc.).

Readily give clear, concise and organized legal advice on complex legal issues as well as practical legal advice and guidance to the Commissioner, Deputy Commissioner, Assistant Commissioner, Managers and agency staff.

Readily draft clear and concise training materials, policies, procedures, letters, memoranda, pleadings, briefs, legislation, and rules.

Strong listening skills and the ability to receive input from multiple sources and diverse interests and reach a decision and/or consensus on the appropriate course of action which acknowledges the input of those sources and interests.

Balance applicable law and agency operational needs and strategic risks.

Class Series Allocation Chart: General Counsel 1, 2, & 3

	GC1	GC2	GC3
Legal Know How	Understands principals/theories of law. Generally, laws may be within scope of a mostly static legislative landscape Examples of possible areas of practice: Healthcare administration, data practices, administrative, constitutional, employment, military, personal injury, real estate, agriculture, land use, environmental, open meeting, rulemaking, contracting, accounting, tax, licensing, intellectual property, international trade/foreign ownership , food, pesticide, invasive species, federal-state relations, wind energy, water, Indian law	Broad or deep understanding of complex practices/ precedents. Laws are subject to a changing legislative landscape Examples of possible areas of practice: Utility regulation utility policy, environmental, energy, administrative law, open meeting law, federal and state laws that govern child protection, child care, certain public assistance programs	Deeply specialized and substantial comprehension of the most complex professional concepts of laws. Laws operate within a constantly changing legislative landscape Examples of possible areas of practice: correctional law and constitutional standards including federal and state and administrative regulations; knowledge of state and federal constitutional protections for prisoners, law governing the administration of criminal sentences, contract law, health care law, administrative law, legal protections for protected classes against discrimination, construction law, environmental law.
Scope of application of Know How	Applies knowledge within related/ homogenous program area(s) in the agency	Applies knowledge to diverse fields within an agency of moderate complexity	Applies knowledge to diverse fields within the most complex agencies

	In addition to tax matters, works on personnel issues as requested by the Human Resources division, contract issues, bankruptcy and debt collection matters, data practices, subpoenas, Indian law and a variety of other related issues as they arise. Applies law in data compliance, ethics, intellectual property, negotiate and lead discussions on legal documents, discrimination and harassment charges and complaints made to external bodies, technology issues that have a legal component	Applies any area of the law impacting or under the purview of the agency, including workers' compensation, occupational safety and health, wage and hour, prevailing wage, misclassification, construction codes and licensing, dual-training pipeline, youth skills training programs, contracts and other agreements, Open Meeting Law, the Official Records Act, the Minnesota Government Data Practices Act, combative sports, contested case procedures, the Administrative Procedures Act (rulemaking), board or council support, litigation, or legislation.	Applies transportation law and related concepts, including technical knowledge of highway and bridge construction methods, emerging transportation technologies, including connected and automated vehicles and electric vehicles, broad-based application of legal knowledge of contracts and grants, the legislative process (state and federal), and all major activities and functions of the agency. Applies legal knowledge towards Medicaid, MNCare, State and Federal Government Regulatory Audits, agency programs, Nursing Home rates; Commissioner guardianship over public wards; Trusts and estates; county and tribal matters.
Level/number of subordinate staff	Oversight of small number or homogenous staff Four staff including deputy GC, Associate GC and Legal Analyst.	Oversight of professional level staff in areas that are integrated and coordinate. Coordination of staff activities 18 FTEs including attorneys,	Large number of professional level staff operating within varying legal functions. Leadership to multiple disciplines 55 staff including Associate GCs,

		professionals, and administrative/paraprofessional staff. Directly supervise one Attorney who oversees six Attorneys. Overall management responsibility for 7 attorneys.	Attorneys, clinicians, consultants providing compliance investigations and policy requirements. 61 employees including assistant director, 6 divisional supervisors and attorneys
Problem solving environment	Well defined frame of reference. “What” is clearly stated; “how” is determined by independent judgement The incumbent must be able to analyze a complex set of factors and be able to make decisions sometimes with limited information and tight time frames. This position has considerable opportunity to solve problems and be creative in the administration of its responsibilities.	Broadly defined policies and objectives. Must establish plans, priorities, and processes to meet objectives. Actions not closely prescribed by regulations/procedures Issues are typically legally and factually complex with significant consequences for the agency or a stakeholder. When faced with these issues, must creatively and identify potential solutions and/or courses of action most likely to accomplish the mission and goals of the agency.	Significant latitude. Must determine overall strategy of “what” and “how” to achieve overall goals Environment includes complex problems involving multiple variables, requiring involve independent critical thinking and striking a balance between literal applications of the law, practical administration of policy and the needs of the agency, clients and customers. Includes a variety of technical and engineering issues that can arise as a result of a transportation infrastructure project. Must quickly learn and capably advise leadership of any legal issue.
Complexity of problem (An Example)	Problems require adaptation and development of new	Problems require adaptation and development of new	Problems must be solved through consideration of

	solutions within related, clearly defined areas. Implementation of the CMS, Federal contractor, and OSHA vaccine mandate required working with outside sources to confirm the process or the exact requirements specific to the agency.	solutions within related, broadly defined areas. Drafting and shepherding through the legislature a comprehensive legislative package of enabling legislation for the workers' compensation CAMPUS system.	alternative courses of action over time within generally defined areas. Problems are each very different from those faced in the past Class-action lawsuit was a federal constitutional and ADA challenge seeking to compel the agency to provide a newly developed antiviral treatment for Hepatitis C to clients and alleging that the failure to provide this medication violated the Eighth Amendment's prohibition against cruel and unusual punishment. Took 5 years to settle.
Strategic Involvement	Researches and provides options to leadership Responsible for the development and implementation of strategies to effectively coordinate and integrate the agency's legal services and compliance activities to achieve the agency objectives.	Advises leaders on best course of action Provide legal advice on whether certain actions that a business area wishes to implement are permissible under state or federal law when the law does not expressly cover the scenario.	Strategic decision maker Advise the Commissioner, Deputy and Assistant Commissioners, on a daily/weekly basis, serve as an active member and counsel to the Executive Leadership Team and the Senior Leadership Team, and advise all other agency decision makers on all critical legal decisions.

Freedom to Act	Acts within bounds of approved policies/procedures/managerial direction Will act on interpretation of a statute based on certain facts an inspector comes across. Act to decide how to perform a function that a commissioner wants based on statutes.	Acts within organizational objectives/strategies/goals Provide legal advice and leadership for the agency on all issues. Ensure that legal issues are identified, and that decision-makers are fully informed about all options.	Acts within overall enterprise strategy Manage the entire settlement process from beginning to end and ensure that the best result possible is achieved for the State of Minnesota.
Accountability	Makes recommendations to those accountable Provide legal options on legal strategies and legislative strategies, policy matters, etc.	May have final accountability in limited areas Provides legal input and may make recommendations on legal matters, whereas leadership and managers make final business decisions based on the General Counsel Office's legal input and recommendations.	Final accountability for all areas Serve as chief legal counsel for a state agency of over 5000 employees with an annual budget in excess of \$3 billion. Provide legal counsel to the Commissioner, the executive and senior leadership teams, and all major committees and councils.
Consequence of action	Decisions have consequence to division/agency If there are errors, the agency can be sued and pay substantial funds. They can lose the ability to enforce. The public trust and confidence in our agency is lost.	Decisions have consequence for multiple divisions/agency/the enterprise Weigh the options which are least likely to result in the agency being subject to a lawsuit or negative publicity.	Decisions have consequence to the entire agency/the enterprise/ Statewide/outside state lines Human Safety, significant impact on people's lives, financial, political, and Department reputation are

		Incorrect legal advice could lead to significant problems in our electric, natural gas, and telecommunications industries.	consequences for error. Advice regarding litigation strategy often involves consideration of the likelihood that a decision in one matter will encourage litigation by others in our care or their attorneys.
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003943 General Counsel 1

SAMPLE OF A TYPICAL POSITION (BENCHMARK)

KEY CLASS DISTINCTION: A General Counsel 1 typically manages legal work within a specialized area of law.

Position Purpose:

Serves as the chief, in-house attorney The position serves as the focal point for all agency legal matters and issues. The primary role is to provide legal advice and counsel, legal direction, and supervision to all of the agency's legal activities.

ANNOTATION: Under general supervision, positions at this level are responsible for solving problems that require adaptation and development of new solutions, primarily within closely related functional areas.

Reports to:

Commissioner

Supervises:

Assistant General Counsel(s) and indirectly the legal work conducted by agency divisions in the course of their work

Budget:

No direct budget control

Clients:

Commissioner, Senior Leadership, division directors, staff, other agency general counsels, Governor's Office, Attorney General's Office, vendors, customers, communications staff, and management staff with legal-related duties included in daily work.

Principal Responsibilities

I. Lead agency's legal office and provide advice and counsel on legal activities and strategies.

Priority: A Percent of time: 50% Discretion: A

1. Manage agency's legal office, functions, and staff.
2. Plan, prioritize and assign work to meet customer needs through operational coordination and proper workload distribution.
3. Provide clear, appropriate performance management for all legal staff, consistent with department objectives.
4. Provide legal advice and counsel to senior leadership, management, supervisors, and staff.
5. Keep executive management informed of national, regional, and judicial activities and potential legal impact to the agency.
6. Participate as a member of the agency's Executive Management Team, providing leadership and input regarding strategy, agency objectives, results, reporting, and coordination within the executive branch.
7. Lead the agency's legal activities with external partners, agency partners, and members of the public.
8. Identify potential legal issues and risks as part of the agency's Executive Management Team and provide mitigation options.
9. Represent the Commissioner in presentations or discussions regarding legal strategies, projects, and legislation.
10. Identify and define legal challenges and legal opportunities and make changes or suggest agency-wide changes.
11. Review anticipated legal issues and pending legal matters and participate with agency management and AGO staff to identify any exceptional legal resource needs.
12. Research, analyze and maintain a current knowledge of state and federal laws, regulations, policies, and court decisions affecting the agency to ensure its compliance with controlling legal authority.

II. Lead litigation efforts in collaboration with the AGO and provide legal expertise and advice on complex legal activities, investigations, and settlements.

Priority: A Percent of time: 20% Discretion: A

1. Advise the Commissioner, or designee, on final decisions as appropriate, coordinate the legal advice provided to the various decision-makers throughout the department, and serve as the department's counsel in settlements and negotiations as appropriately delegated from county or other authorities.
2. Collaborate, consult with, and advise the communications office on the drafting of external responses related to legal matters.
3. Keep executive management informed of national and regional legal activities and the potential impact of these legal activities on the agency's business.
4. Review all settlement documents that have an impact on the department's programs and activities.

ANNOTATION: The General Counsel 1's advice and counsel are guided by clearly defined legal standards, policies and principles. The incumbent has latitude to consider whether new legal policies or procedures can be developed and implemented so that best practice in legal activities and results are achieved.

III. Oversee and improve the agency's legal policies, including compliance and training.

Priority: B Percent of time: 20% Discretion: A

1. Create, review, and periodically update legal policies and procedures to reflect best legal practices.
2. Review and assess all general agency policies, standards, and processes to ensure compliance with all applicable state and federal laws.
3. Analyze and respond to inquiries relating to agency policies and statutory authority.
4. Manage, coordinate, and assess the inventory of various legal functions within each of the agency's programmatic areas.
5. Provide best legal practice advice across the agency to assist the department in promoting compliance with legal standards and to avoid legal action.
6. Design, develop, and deliver legal training to management and staff on a variety of legal topics, including policies and standards, to ensure staff understand their responsibilities under applicable law.
7. Provide legal training, as requested by agency leadership on specific legal topics.
8. Develop and update web-based legal training on a variety of legal topics for dissemination to agency leadership and staff.
9. Provide legal portion of new employee orientation.
10. Collaborate with division directors and executive management to ensure that legal communication and processes are understood and implemented evenly across division lines.

ANNOTATION: At this level, incumbents generally have broad authority to act and function with considerable independence. The incumbent exercises discretion and judgment in deciding which issues need to be raised to the Commissioner and/or executive team members.

IV. Serve as key legal advisor to the agency's Legislative Director.

Priority: B Percent of time: 5% Discretion: A

1. Assist in drafting, providing analysis of, advocating for or against proposed legislation to ensure full agency knowledge of the impact of such acts on the agency, clients and services, and to effectively promote or discourage passage of legislation impacting the agency.
2. Meet and confer with the Legislative Director and management so that legislative issues are identified, prioritized, and addressed.

3. Provide prompt legislative analysis and participate with leadership in drafting impact statements.
4. Recommend changes in law and draft legislative amendments as necessary to reflect current agency needs, including changes designed to improve services to clients.
5. Negotiate with other stakeholders in presenting the agency's position on proposed legislation.
6. Advise the agency about implementing new legislation.

V. Oversee Data Practices, Ethics, and Intellectual Property

Priority: B Percent of time: 5% Discretion: A

1. Implement a plan to identify, track, and manage all information technology intellectual property owned by the State and the agency.
2. Oversee agency responses to all data practices inquiries and supervise staff conducting MNGDPA reviews.
3. Serve as the agency's primary ethics officer and advise all levels of staff and leadership on questions related to ethics and ethical practices.

003944 General Counsel 2

SAMPLE OF A TYPICAL POSITION (BENCHMARK)

KEY CLASS DISTINCTION: A General Counsel 2 typically manages legal work that includes the practice of law in multiple diverse areas of specialization.

Position Purpose:

Manages and directs the agency's legal staff (the Office of General Counsel). Integrates the provision of legal services with agency program units so that the mission and goals of the agency are realized. The person in the position serves as chief general counsel to the Commissioner, Deputy Commissioner, Assistant Commissioners and Managers on legal, legislative and policy issues.

ANNOTATION: Incumbent is expected to make decisions independently with delegation for decision-making from the agency head. The incumbent is given overall objectives but must determine how those objectives will be achieved.

Reports to:

Commissioner and Deputy Commissioner

Supervises:

11 Attorneys – direct

1 Legal Analyst-direct

1 Office Services Supervisor-direct

3 paralegals-indirect

1 legal secretary – indirect

Assistant General Counsel(s) and indirectly the legal work conducted by agency divisions in the course of their work

Budget:

\$1,825,000/year

Clients:

Commissioner, Deputy Commissioner, Assistant Commissioners, Agency executive cabinet, Agency managers and supervisors, Agency staff, members of the Legislature and their staff, the Office of the Revisor, interested parties to the Workers' Compensation Division and Workplace Services Division programs, advisory and appellate boards and councils, Governor's Office, Attorney General's Office, vendors, customers, communications staff, and management staff with legal-related duties included in daily work.

Principal Responsibilities

- I. Provide overall management of Legal Services Unit which results in the appropriate direction, supervision and allocation of resources necessary to meet the legal services needs of the agency and the authoritative boards it supports.**

Priority: A Percent of time: 25% Discretion: A

1. Select qualified employees in accordance with state policies and procedures.
2. Evaluate employee performance, conduct performance reviews, approve salary increases and request classification changes.
3. Develop positions and make work assignments that meet the legal services needs of the agency while being cognizant of employees' experiences, skills, expertise and interests.
4. Effectively communicate the Legal Services Unit's core mission and the Agency's mission and vision and provide necessary supervision, direction, assistance, oversight, review, coaching, mentoring, and training.
5. Continuously assess and determine work priorities in an environment of constant change and conflicting demands.
6. Provide ongoing evaluation of legal services needs of agency and authoritative boards, and authorize creation of additional permanent or temporary positions to address needs.
7. Prepare budget and spending plan; determine need for and allocate funding for staff equipment, space, supplies and training; authorize purchases.
8. Ensure that legal services staff are competent in laws that the agency is responsible for administering and enforcing and for which the authoritative boards must comply, e.g. data practices laws, open meeting laws, Minnesota Administrative Procedures Act.
9. Direct and oversee projects and initiatives as assigned by the Commissioner/Deputy Commissioner/Assistant Commissioners.

- II. Manage and develop legal services necessary to support legislative activities and recommendations for policy changes resulting from new initiatives, legislation, case law and rulemaking. Assure that the agency achieves its goals making legally informed decisions, policies and procedures. Provide and manage the provision of legal services necessary for the agency's dissemination of legally accurate information.**

Priority: A Percent of time: 35% Discretion: A

1. Provide legal advice necessary for the Commissioner, Deputy Commissioner, Assistant Commissioners, Managers, Supervisors and Staff, as well as the authoritative boards that the department supports, to make legally informed decisions and to establish legally informed policies and procedures.

2. Assist agency employees in the development, review, drafting, editing and consistent implementation of agency opinions, interpretations, orders, determinations, decisions, settlement agreements, guidelines, training, policies, procedures and other official activities.
3. Provide legal review and assist with the drafting and editing of agency publications and official correspondence and actions.
4. Manage the legal aspect of the department's legislative activities and by assisting with effective implementation of enacted legislation.
5. Identify, review and develop expertise in relevant federal and Minnesota court decisions, administrative decisions, statutes, and rules that are applicable to the agency's administration and enforcement.
6. Oversee, coordinate and advise the Commissioner, Deputy Commissioner, Assistant Commissioners and managers regarding the Attorney General Office's representation of the agency in legal actions brought against the agency and in litigation brought on the agency's initiative.
7. Direct the agency's rule-making activities by working with program units; ensure that rules are promulgated in compliance with the Minnesota Administrative Procedures Act.
8. When requested, represent the agency at meetings, seminars, legislative hearings and other public forums.
9. Advise and assist with the implementation of newly issued court or administrative decisions and newly enacted laws, rules, regulations, and standards.
10. Respond to requests for assistance from the agency regarding the agency's administration and enforcement of the state's worker's compensation, occupational safety and health, wage and hour, prevailing wage, construction code and licensing and apprenticeship programs.
11. Direct and oversee policy development on difficult legal issues and provision of legal support for agency advisory boards, councils and committees.
12. Direct and oversee workers' compensation collective bargaining agreements and remodeling orders.
13. Direct and oversee provision of legal advice to Commissioner regarding issuance of final orders in wage and hour, prevailing wage, construction code and licensing contested cases.

ANNOTATION: Legal issues faced at this level are typically novel and require significant research, analysis, and ability to identify solutions that reconcile competing interests.

- III. Provide and manage the provision of legal services that result in the effective investigation, litigation and resolution of agency enforcement actions, and the appropriate defense of the Special Compensation Fund's liability for supplementary benefit, second injury and uninsured claims.**

Priority: A Percent of time: 25% Discretion: A

1. Direct and oversee the provision of assistance with agency investigations by providing investigation training, by developing investigation strategies, by preparing subpoenas and other requests for information, by preparing administrative search warrant applications, by

reviewing investigation results and advising regarding appropriateness of penalties or other sanctions.

2. Direct and oversee provision of legal representation at informal conferences and settlement conferences and drafting of settlement documents.
3. Direct and oversee the Office of General Counsel's representation of Special Compensation Fund's second injury, supplementary benefits, and uninsured claims before the Office of Administrative Hearings, Workers' Compensation Court of Appeals, and Supreme Court.
4. Direct and oversee the representation of the Agency in contested construction codes and licensing, workers' compensation, wage and hour, prevailing wage, apprenticeship and OSHA cases before the Office of Administrative Hearing, District Court, Workers' Compensation Court of Appeals, Court of Appeals, and Supreme Court.
5. Direct and oversee appellate advocacy before the Workers' Compensation Court of Appeals, Minnesota Court of Appeals, Minnesota Supreme Court.
6. Direct and oversee recommendations regarding appeals from contested case decisions, participation as amicus in appellate actions, and subrogation actions in workers' compensation actions.
7. Provide legal advice and assistance with agency's debt collection activities.
8. With delegation authority from the Minnesota Attorney General's Office and subject to the direction and legal advice from the Attorney General's Office, execute appropriate legal documents if requested.

ANNOTATION: Incumbents at the General Counsel 2 level operate under broadly defined policies and objectives. They must establish plans, priorities, and processes to meet objectives as their actions are not closely prescribed by regulations/procedures.

IV. Lead, oversee and actively support and participate in the achievement of the business and policy initiatives of Agency and the Legal Services Unit.

Priority: A Percent of time: 10% Discretion: A

1. Support workforce diversity and affirmative action efforts.
2. Direct and oversee the goal-setting processes for the Legal Services Unit and report on progress.
3. Participate in educational and developmental opportunities.
4. Prepare for and attend regular meetings of senior management.
5. Participate in a variety of Agency events, representing the management team.
6. Lead or participate in special committees and sub-committees.
7. Represent the Commissioner/Deputy Commissioner as assigned.

003945 General Counsel 3

SAMPLE OF A TYPICAL POSITION (BENCHMARK)

KEY CLASS DISTINCTION: A General Counsel 3 applies deep legal knowledge to diverse fields within the most complex agencies.

Position Purpose:

Provides oversight for the Department's legal affairs including: providing strategic legal advice to the Commissioner and executive management to ensure the department's operations, programs and policies are administered in compliance with applicable legal requirements; advising on all complex legal issues with a focus on appropriate consideration of risk exposure and balancing of operational needs; providing litigation defense in a particularly litigious environment and negotiating resolution of matters in state, federal, and administrative venues, including exercising delegated authority from the Attorney General for state and federal habeas matters; advising and drafting legislative and regulatory proposals; serving as the legal expert as a member of the Commissioner's executive management team; and providing leadership to the Office of Legal Affairs.

ANNOTATION: Under general direction, positions at this level are responsible for executive management level legal work that includes the most diverse and complex practice of law.

Reports to:

Commissioner

Supervises:

Directly:

5 Associate General Counsels

1 Legal Affairs Coordinator

1 Legal Assistant

1 staff attorney (Legal Analyst)

Indirectly:

Facility and business unit litigation coordinators

Facility and business unit data privacy coordinators

Facility and community work program claims coordinators

Budget:

\$1.585 Million (\$909,000 Salary; \$585,000 Program Budget)

Clients:

Commissioner, Deputy and Assistant Commissioners, Department Executive Management Team, Governor's General Counsel Legislators and Legislative staff, Deputy and Assistant Attorneys General, State agency attorneys, Other State's General Counsel and Assistant Attorneys General, State Public Defenders, Private Attorneys, County Attorneys, State Court Administration, Sentencing Guidelines Commission, Revisor Office of the Ombuds for Corrections, Department of Justice Attorneys

Principal Responsibilities

- I. Provide leadership, management, and direction for all aspects of the department's legal affairs. Direct all aspects of department legal affairs through the oversight of litigation defense in a particularly litigious environment and management and resolution of claims through negotiated settlement agreements. Serve as the department's chief legal counsel in matters where authority is delegated by the Attorney General.**

Priority: A Percent of time: 45% Discretion: A

1. Deliver and sustain comprehensive, high quality, cost-effective legal services through agency legal counsel and services obtained through a partnership agreement with the Office of the Attorney General.
2. Oversee legal representation through delegated authority by the Attorney General's Office to represent the department in state and federal habeas litigation.
3. Oversee legal representation by agency attorneys in state and federal matters including Minnesota Department of Human Rights (MDHR) discrimination charges, Department of Labor and Industry (MNOSHA) charges, data challenges, supervision fee challenges, and jail facility enforcement contested case actions in the Office of Administrative Hearings (OAH), conciliation court claims, Equal Employment Opportunity Commission (EEOC) discrimination charges, Department of Justice matters, and in claims presented to the Legislative Claims Committee.
4. Exercise authority delegated by the commissioner to determine legal strategy and resolve legal matters through negotiated settlement agreements.
5. Select, develop, and evaluate the performance of agency attorneys.
6. Oversee coordination of litigation-related activities across the agency's ten facilities and state-wide community supervision activities through training and advising designated litigation coordinators at each of the 10 facilities and each agency business unit.
7. Negotiate terms and serve as the authorized representative for the agency and the Attorney General interagency agreement and other contracted legal services.

- II. Provide strategic legal advice to the Commissioner, deputy and assistant commissioners, executive staff, and program managers regarding all complex legal issues relating to the administration of agency operations and programs and policies to ensure compliance with all applicable laws to minimize exposure for liability and advance the mission of the agency.**

Priority: A Percent of time: 40% Discretion: A

1. Participate as a member of the Commissioner's executive management team to set the course and direct and evaluate the implementation of agency strategic goals developed in coordination with the Governor's strategic plan.
2. Provide legal counsel to the Commissioner, Deputy Commissioners, and executive personnel regarding state and federal laws, controlling caselaw and constitutional requirements so that appropriate options and solutions are defined.
3. Participate and advise in the decision-making process and development of legislation and legal policy affecting the department and ensure that proposed changes to laws and policies are technically correct and constitutionally compliant.
4. Interpret new state and federal laws, rulings, and regulations affecting the department and advise the Commissioner and Deputy Commissioners on strategy to respond to the impact of new laws, rulings, and regulations.
5. Effectively identify situations needing legal review, by request or other means.
6. Make recommendations to the Commissioner after conducting risk analysis of legal and operational issues.
7. Maintain current knowledge of applicable law affecting Department operations to ensure compliance.
8. Provide consultation to executive staff and program directors regarding complex release questions that have the potential for constitutional or statutory impacts on incarcerated people and people subject to conditional release, and future sentence administration policy.
9. Provide consultation to executive staff regarding the development of release and early release programs to assure constitutional and statutory compliance.

ANNOTATION: Incumbents at this level have significant decision-making latitude. They must determine the overall strategy of "what" and "how" to achieve overall goals

III. Oversee administration of the Minnesota Board of Pardons, Agency Data Privacy Compliance program, Legislative Injury and Property Claims program, and Rule-making coordination.

Priority: A Percent of time: 10% Discretion: A

1. Provide leadership for Office of Legal Affairs staff who administer the investigation, report writing, and other duties for the Board of Pardons members – Governor, Chief Justice of the Minnesota Supreme Court, and Minnesota Attorney General.
2. Provide leadership for the agency data privacy compliance program, including thorough defense of legal challenges in contested case proceedings in the Office of Administrative Hearings, policy development and training across facility and business unit data privacy coordinators.
3. Provide leadership to the Office of Legal Affairs staff who investigate certain injuries and property loss of clients and those individuals performing service under community work programs, represent the agency recommendations to the Legislative Claims Committee and provide training to designated claims coordinators.
4. Provide legal and technical consultation for agency rule-making activities.

5. Provide leadership for the International Transfer by Treaty program and the attorneys who investigate applications and make transfer recommendations to the Commissioner.

ANNOTATION: Problems faced at this level are extremely complex and each very different from those faced in the past. The incumbent must provide solutions through consideration of alternative courses of action over time.

IV. Required reporting and interagency communication.

Priority: A Percent of time: 5% Discretion: A

1. Oversee the development of required Legislative reports related to department Rule-making activities and Board of Pardons decisions.
2. Maintain regular reporting to the Governor's General Counsel of select litigation activity sufficient to assure Governor's office awareness of potentially high-profile litigation activity.
3. Maintain communication with Minnesota Management and Budget Enterprise General Counsel related to agency grievance arbitration activity and its impact and potential impact on department litigation and risk for litigation and policy matters.
4. Consult with department Legislative and External Relations Director as requested regarding legal issues raised by legislators, other governmental agencies, criminal justice partners, the Governor's office and other constituencies.

Staff Attorney 1, 2, 3 and Staff Attorney Supervisor Examples of Work

Staff Attorneys include the individual contributor and supervisory classifications that perform legal work at an agency. Like the General Counsel, there is an expectation that positions in these classes perform work that requires a license to practice law.

Positions allocated to any class within the Staff Attorney series must have the ability to perform the following:

- Claim privilege over communications and work product.
- Bind agency and legal documents, such as settlement agreements in judicial proceedings.
- Litigate and/or give privileged legal advice.

Staff Attorneys generally perform the day-to-day legal work at an agency, board, or commission. In this role, incumbents are routinely providing legal advice and interpretation internally and externally in support of agency objectives. The class specifications for each individual level within the series provide detail on the specific examples of work and characteristics that distinguish each class from others in the series. The examples listed below are examples of work that are characteristic of classes in the series but represent work that is done at all levels within the series.

Examples of Work

Provides legal interpretation and guidance to the agency leadership and stakeholders to promote consistent understanding and application of laws, rules and statutes that govern agency programs and operations.

Advise agency on legal risk and disputes, providing recommendations and consultation developed from analysis of legal precedent case law, statute, and rule.

Conduct legal research within areas of practice using knowledge of relevant statutes, case law, regulations, and policies.

Determine whether new legal procedures may have to be developed, consistent with current policies or principles of law.

Evaluate legal issues and provide consultation on legal questions by performing legal analysis of issues, evaluating possible strategies and solutions, and providing recommendations and guidance to internal and external stakeholders.

Search and interpret federal and state laws, regulations, local ordinances and court cases to advise and direct the agency to ensure that programs and policies are administered in compliance with applicable laws and regulations.

Develop, write, and review legislation for the agency that is supported by law.

Represent the Department in responding to subpoenas and other legal requests for data held by the Department.

Represent the department in litigation in areas delegated by the Attorney General's office.

Develop and conduct technical training on legal matters associated with the agency's programs and policies.

Prepare and review drafts of agreements, contracts, and MOUs and provide legal counsel for agency regarding these documents.

Assist in drafting responses to regulated entities seeking clarification of the department's interpretation and application of statutory and regulatory provisions.

Knowledge, Skills and Abilities

Knowledge:

Knowledge of state and federal judicial and administrative procedures and the rules of evidence.

Knowledge of the legislative process.

Skills:

Skill in analyzing; appraising; and organizing facts, laws, and legal precedents.

Skill in presenting cases involving major issues before decision making bodies.

Research and writing sufficient to write legal memorandum, guidelines, manuals, legal briefs, agreements, administrative rules, and proposed legislation.

Abilities:

Ability to participate in formal and informal judicial and administrative proceedings, ascertain facts, and arrive at logical conclusions.

Ability to analyze work and determine priorities and potential interaction with other programs and areas of law.

Ability to assist the Attorney General in litigation matters.

Ability to understand; interpret; and explain laws, rules, and regulations.

Ability to clearly and simply describe and explain legal problems to division and departmental staff and interested parties; and to provide legal advice on these matters.

Class Series Allocation Chart: Staff Attorney 1, 2, & 3

	SA1	SA2	SA3
Legal Know How	Understands and applies theory and principals of law. Generally, laws are within scope of a mostly static legislative landscape Examples of areas of practice: All areas of state and local tax law, including Sales and Excise Taxes, Individual Income Tax, Estate Tax, and Corporate Franchise Tax, federal and state child support program including administrative, bankruptcy, civil, contracts, criminal, debt collection, health care, international, interstate, military, privacy, public assistance, and tribal laws.	Broad/Deep understanding of complex practices/ precedents. Laws are subject to a changing legislative landscape Examples of areas of practice: Public Employment Labor Relations Act, Minnesota Government Data Practices Act, anti-discrimination laws (such as the Minnesota Human Rights Act, Family and Medical Leave Act, Title VII, Americans with Disabilities Act), real estate law; minerals law; contract law; corporate/business law; general agency powers and authorities; environmental law	Broad/Deep understanding of complex practices/ precedents. Laws are subject to a complex legislative landscape Examples of areas of practice: Medicaid and data privacy, the Fair Credit Reporting Act and immigration laws, laws and regulations related to Insurance (P&C, Workers Compensation, Self-Insurance), Weights and Measures, Real Estate, Debt Collection, Athlete Agents, Appraisals, Toy Safety, Cigarette Pricing, and Petrofund.
Scope of application of Know How	Applies knowledge within singular or homogenous program area(s) in the agency Applies law relating to data privacy and ethics; Public Assistance (PA) programs and their	Applies knowledge within related program area(s) in the agency Applies law to issues primarily surrounding the management of state lands and minerals as well as regional real estate	Applies knowledge within related and/or integrated program area(s) in the agency Applies legal knowledge towards to the programs of Community Supports, Continuing Care, and

	relationships to child support, other areas of policy and law that impact child support law.	transaction and land management issues.	Health Care Administrations.
Problem solving environment	Well defined frame of reference and specific objectives The legal issues presented for resolution in virtually all work assignments involve the accurate and consistent interpretation of various laws, court decisions, or administrative rules; as applied to particular and unique facts and circumstances. On occasion, there is a range of possible solutions to an issue.	Well defined frame of reference and specific objectives Legal issues require the coordination and prioritization of large amounts of information. Problems solving and opportunities for creativity arise in risk identification and mitigation and development of training and other communication content.	More broadly defined frame of reference and objectives The incumbent is responsible for identifying problems and challenges and developing recommendations within the context of the legal and operational framework of the agency.
Complexity of problem (An Example)	Problems require application of judgment and solutions within area of expertise Research on the constitutional questions and application to federal and state child support law and policy on child support levies across state lines.	Problems require application of judgment and solutions within area of expertise The widespread use of new applications raised a series of complex data practices questions. Analyzed these legal questions and proposed practical solutions for the agency that complied with applicable law.	Problems require adaptation and development of new solutions within related, clearly defined areas Provision of legal advice to the Commissioner and/or assistant and deputy commissioners, especially regarding issues that touch on multiple business units and/or regulatory schemes.
Freedom to Act	Acts within well-defined policies and	Acts within bounds of approved	Acts within bounds of approved

	review of end results.	policies/procedures/managerial direction	policies/procedures/managerial direction
	Will investigate situations and discuss courses of action with the supervisor before implementation.	Functions largely independently but is expected to communicate regularly with the General Counsel; issues with broader impact must be discussed with agency leadership.	Reports to and receives direction from the General Counsel; granted discretionary authority to accomplish designated tasks.

003946 Staff Attorney 1

SAMPLE OF A TYPICAL POSITION (BENCHMARK)

KEY CLASS DISTINCTION: A Staff Attorney 1 applies specialized, professional legal knowledge in a distinct content area.

Position Purpose:

This position exists primarily to provide legal counsel to the Individual Income Tax and Withholding Tax Division of the Department through the Legal Services Section, Unit 1 of the Appeals and Legal Services Division. The position involves representing the department before the Office of Administrative Hearing, in court, and handling other litigation matters. The position involves drafting legislation in the subject areas and testifying at legislative hearings. Another purpose of the position is to consult with and advise other attorneys in the section concerning the work of the section. The position may also be responsible for other types as assigned.

The position must identify legal and policy issues across tax system lines and make sure that all interested parties are aware of and understand the issues. This is particularly critical in the area of legislation. The attorney may occasionally be assigned special projects.

ANNOTATION: In some instances, positions at this level may have the freedom to make decisions or take actions which may affect the department as a whole or units within the department.

Reports to:

Supervisor of the Legal 1 Unit of the Legal Services Section
Director of Appeals & Legal Services Division

Supervises:

N/A

Budget:

N/A

Clients:

Governor, Commissioner's Office, Executive Team, Attorney General's Office, Division Directors, All Department Staff, other State, Federal, or Local Officials, Taxpayers, Tax Attorneys, and Accountants.

Principal Responsibilities

- I. Provide sound legal advice policy information and analysis to employees or internal policy making groups in the areas of individual income tax, withholding tax, the property tax refund and such other tax types as are assigned, so that department policies and practices are consistent with legal requirements and the needed legal and policy information and analysis on these subjects is made available. Participate in special projects as assigned.**

Priority: A Percent of time: 50% Discretion: A

1. Receive and acknowledge legal advice, information or analysis requests so that the needs of the requester are clearly understood.
2. Respond to requests for a legal opinion within a timely manner.
3. Perform legal, policy, or factual research as necessary to obtain or develop the requested information.
4. Identify potential legal problems and anticipate likely future developments in the area of state taxation and advise the administrators of how these problems can best be avoided or minimized.
5. In the case of special projects, identify the issues to be resolved, the parties to be involved, develop a strategy and complete the project in the agreed upon time frames.
6. Organize the work done on the project and periodically report on progress being made towards completion.
7. Provide the requester with a clear, concise, and complete report; written or otherwise, that provides the requested information in a well-structured and logical manner.
8. Contribute to department-wide or divisional teams.

- II. Participate in the drafting and presenting of proposed departmental legislation. To appear on behalf of the department before legislative committees concerning the drafted legislation or proposals presented by other agencies.**

Priority: A Percent of time: 10% Discretion: A

1. Develop and maintain a list of potential law changes that will help the agency to administer its responsibilities, or which will help to facilitate assumption of new responsibilities. Solicit suggestions for law changes from others within the agency.
2. Evaluate and recommend law change suggestions.
3. Anticipate future problems and developments concerning the proposed legislation so that taxpayer disputes and administrative problems are minimized or avoided.
4. Review and draft legislation, summaries, and other related materials as needed or assigned.
5. Represent the agency at legislative hearings.
6. Recognize proposals that impact the unit's tax types and advise the department on appropriate language, probable effects should the legislation be adopted, and implementation.
7. After the legislative session make sure that agency sponsored and other legislation is brought to the attention of the department and appropriate actions are recommended if

necessary. Make recommendations to the Commissioner after conducting risk analysis of legal and operational issues.

8. Maintain current knowledge of applicable law affecting Department operations to ensure compliance.

ANNOTATION: Incumbents at this level frequently face issues that involve the accurate and consistent interpretation of various laws, court decision, or administrative rules, as applied to particular and unique facts and circumstances.

- III. Explain and advocate the position of the department about legal and policy positions in the areas of individual income tax, withholding tax, the property tax refund and such other tax types as are assigned, so that department positions are explained or supported against the arguments of third parties to the full extent allowed by the attorney's rules of professional conduct.**

Priority: A Percent of time: 15% Discretion: A

1. Answer inquiries from local officials, officials from other states or the federal government, and taxpayers that concern the department's position on legal or public policy questions.
2. Research the law and public policies on the area of individual income tax, withholding tax, the property tax refund and such other tax types as may be assigned.
3. Anticipate future legal and policy difficulties with the department's current position, and to make department administrators aware of how these problems can be avoided.

ANNOTATION: If a position at this level is unable to fulfill a specific assignment due to a lack of specialized legal knowledge, the incumbent will acquire the knowledge or seek assistance from a higher-level Staff Attorney or supervisor.

- IV. Represent the Department in litigation matters.**

Priority: A Percent of time: 15% Discretion: A

1. Prepare documents in the litigation process including petitions, briefs, motions, subpoenas and similar legal documents.
2. Prepare cases for trial.
3. Appear in court.
4. Negotiate and draft settlement agreements.
5. Assist and consult with the Attorney General in preparing cases for litigation, review motions, subpoenas, briefs and similar legal documents.

- V. To consult with and advise the tax system concerning the rules, notices and tax forms pertaining to the areas of individual income tax, withholding tax, the property tax refund and such other tax types as are assigned. To determine which areas may need clarification, and to process rule changes or Notices through the Administrative Procedures Act (A.P.A.) or applicable statutes as assigned.**

Priority: A Percent of time: 10% Discretion: A

1. Meet with tax division directors in the assigned tax areas to identify potential legal and policy areas needing clarification through rule making and/or Notices.
2. Review the rules/ Notices and tax forms at least once a year, to remain independently aware of those rules/ Notices or tax forms that need improvement, replacement or enactment.
3. Advocate the rule/ Notice or tax form changes the attorney has determined are necessary or desirable and draft clear, concise, and easy to understand new rules/ Notices or tax form changes as approved by the tax divisions and supervisor
4. Process new Notices rules or rule changes through the A.P.A. procedures including attending public hearings and communicate with all interested parties concerning the rules/ Notices or tax forms changes

003947 Staff Attorney 2

SAMPLE OF A TYPICAL POSITION (BENCHMARK)

KEY CLASS DISTINCTION: A Staff Attorney 2 applies deep or broad knowledge that demonstrates a command of complex practices and principles.

Position Purpose:

Provide legal assistance in the land acquisition process, including drafting documents for acquisition transactions, performing title examinations and assisting acquisition project managers with the resolution of title issues. Act as the Minnesota Government Data Practices Act designee for the Division of Land and Minerals. Negotiate and draft professional/technical service contracts, joint powers agreements, inter-agency agreements and other agreements. Provide legal assistance in the responsible management of state-owned land and mineral resources through activities related to the development and administration of real estate and mineral leases, licenses, easements and sales; perform land and mineral ownership title research.

ANNOTATION: At this level, there is considerable latitude granted in the completion of designated tasks; the incumbent will advise division personnel of activities and findings as directed by their supervisor.

Reports to:

Assistant Director

Supervises:

N/A

Budget:

N/A

Clients:

Management and professional staff, State Executive Council, Minnesota Legislature, School and University Trust Funds, Taxing Districts of Minnesota counties, staffs of state, county and federal agencies, mineral exploration and mining companies, general public and various interest groups, legal staff in Attorney General's office.

Principal Responsibilities

I. Provide legal assistance related to land acquisition, easements, leases, licenses, and permits. Provide legal assistance related to the administration of state-owned lands.

Priority: A Percent of time: 50% Discretion: A

1. Examine title of lands proposed for acquisition by the State.
2. Draft, review and negotiate option contracts for the acquisition of property and closing document prior to closing.
3. Review legal descriptions for accuracy and adequacy.
4. Attend meetings to discuss certain acquisitions and certain closings.
5. Communicate with staff and others to resolve issues related to option contracts.
6. Review closing documents (i.e. deeds, affidavits, mortgage satisfactions, etc.) prior to closing.
7. Review title opinions or title insurance commitments and title resolution documents before closing to assure that all objections have been addressed.
8. Advise and communication with acquisition staff on title and other matters related to closings, as well as surface transactions.
9. Review regal documents related to surface transactions and provide advice on the need for and desirability of specific transactions.
10. Negotiate and draft legal documents for land transactions such as easements, licenses, leases and permits.
11. Research laws related to land transactions and state ownership of specific parcels of land.
12. Complete transactional workflows within land records system.

II. Serve as the Minnesota Government Data Practices Designee for the Division of Lands and Minerals.

Priority: A Percent of time: 15% Discretion: A

1. Develop a working knowledge of the Minnesota Government Data Practices Act (MGDPA), Minnesota Rules, chapter 1205 and other applicable data privacy laws and advisory opinions.
2. Assist the Data Practices Compliance Official (DPCO) with the implementation of data practices policies and procedures, including Operational Orders #75 and #127, the Data Practices Manual, data breaches, data inventories, and data sharing agreements.
3. Understand the data the division creates, collects, maintains, and stores and the classification of that data under the MGDPA.
4. Assist division staff with data requests and related data practices issues, including the collection of personal data about others and the security, release and sharing of not public data.
5. Develop and implement procedures and guidelines for division specific data.
6. Assist the DPCO and the legislative team with review and implementation of statutory changes related to data practices.
7. Work with the DPCO to resolve data practices compliance issues.
8. Participate in required agency data practices training and meetings.

ANNOTATION: Incumbents at this level must demonstrate a specialized background in the legal content area specific to their work, as well as a familiarity with the related activities of the program.

III. Provide legal assistance related to the negotiation of taconite, mineral, peat, and iron-bearing material leases and ongoing administration of active taconite, mineral, peat, and iron-bearing material leases. Provide legal assistance related to administration of state mineral resources. Provide legal assistance related to the public sale of mineral leases.

Priority: A Percent of time: 15% Discretion: A

1. Review assignments, subleases, indentures and other agreements supplementary to state leases to determine if they meet statutory requirements and make recommendations whether agreements should be approved by the Director.
2. Review lease termination notices; prepare acknowledgement for Director's signature; collect revenue due.
3. Review requests for regional geological reconnaissance authorizations, determine eligibility and develop document for execution by Director.
4. Assist in drafting temporary use permits for drilling state-owned minerals.
5. Prepare information for and participate in negotiations for taconite, mineral, peat, and iron-bearing material leases, surface/auxiliary mining leases, and stockpile agreements.
6. Develop and prepare reports on recommendations to State Executive Council regarding issuance of negotiated leases.
7. Prepare state leases for execution and approval by lessee and appropriate state officials.
8. Update records to assist in administration of state mineral leases and state mineral resources.
9. Report information and provide guidance to Lands and Minerals Division staff regarding disposition of problems relating to rental and royalty payments made under state mineral leases. Provide information to Lands and Minerals Division staff on disbursement of revenue from leases.
10. Write legal notice of sale and secure publication of notice as required by law.
11. Review bids and make determination of financial and technical competence of high bidders.
12. Develop and prepare reports on recommendations to State Executive Council regarding issuance of leases bid upon at such sales.
13. Collaborate in preparation of leases, execution by state and lessees, and recording in state royalty record books.
14. Compile and report information to Lands and Minerals Division staff for proper handling of revenue received under leases.

ANNOTATION: At this level, discretion in prioritizing activities and tasks is paramount.

IV. Provide legal assistance related to the review and evaluation of county land and tax records in selected areas, so that the state may ascertain the validity of its ownership of lands and minerals.

Priority: A Percent of time: 15% Discretion: A

1. Review and evaluate county land and tax records to determine record title ownership of land and mineral rights for specific tracts of land.
2. Identify potential problems with state land and mineral ownership claims in specific tracts of land and recommend actions to be taken.
3. Keep records, prepare lists, and compile and assemble data on findings from review of official county land and tax records and other non-official land records systems.
4. Prepare verification statements, for filing in the counties that assert state's claim of severed mineral ownership based on title work.
5. Assemble data, draft notices, draft pleadings, and provide any other information necessary for commencement and completion of severed mineral interest forfeiture proceedings.
6. Appear in state district court regarding such forfeitures on behalf of the state.

V. Advise, negotiate and draft professional and technical contracts, RFP and RFB, as needed by division.

Priority: A Percent of time: 5% Discretion: A

1. Draft RFPs and RFBs for certain professional and technical services needed to accomplish the division's mission.
2. Draft certification forms, publication forms, and other various forms required for RFPs and RFBs.
3. Attend meetings with technical staff to gain an understanding of the services that are being requested. Communicate and resolve issues with technical staff.
4. Assure compliance with state laws and Department of Administration procedures related to RFPs and RFBs.
5. Communicate with staff and Department of Administration staff to resolve issues related to RFPs and RFBs.
6. Research laws and procedures related to RFPs and RFBs.
7. Draft and negotiate Professional and Technical Contracts, Master Contracts, Work Order Contracts, Annual Plans, Joint Powers Agreements, amendments to contracts, and other types of contracts.
8. Work with fiscal staff to assure funding is available and properly encumbered.
9. Meet with technical staff to assure an understanding of the service being contracted for.
10. Review and advise on the administration of professional and technical contracts.

003948 Staff Attorney 3

SAMPLE OF A TYPICAL POSITION (BENCHMARK)

KEY CLASS DISTINCTION: A Staff Attorney 3 applies extensive legal experience and subject matter knowledge in one or more agency divisions.

Position Purpose:

Provide legal assistance to the staff of the Department, regulated industries, and the general public regarding application of statutes and rules under the agency's jurisdiction. Particular emphasis is placed on statutes and rules governing the regulation and enforcement of the Department's mission. To provide advice and training to assigned business unit(s). To provide interpretive opinions pursuant to Minnesota statutes, case law, administrative rules and practices connected with the foregoing, as applicable.

ANNOTATION: At this level, there is latitude granted in making independent judgements, subject to the direction of the General Counsel, statutory or rule mandates, or the Agency Heads.

Reports to:

General Counsel

Supervises:

N/A

Budget:

N/A

Clients:

Attorney General's Staff, Office of Administrative Hearings, Legislators and Staff, Practitioners and Licensees of industries regulated by the Department, Members of the Judiciary and their staff, other state regulatory and administrative agencies, Minnesota legal community, and members of the general public, Commissioner, General Counsel, Deputy and Assistant Commissioners, Managers and Supervisors, and Agency Staff.

Principal Responsibilities

- I. **Provide legal analysis and legal advice with respect to the application of Minnesota statutes and rules to fact situations and hypothetical questions presented by the General Counsel,**

Insurance and other assigned department business units, administrative agencies, and the legislature to assure consistency and accuracy in opinions expressed on behalf of the agency.

Priority: A Percent of time: 40% Discretion: A

1. Provide technical analysis to the Insurance and other assigned business units unit(s) regarding potential violations of law with regard to the activities of regulated industries.
2. Draft legal memoranda, orders, and correspondence setting forth the department's position regarding requests for legal analysis.
3. Provide clarification of the department's interpretation and application of statutory and regulatory provisions at issue in enforcement and other administrative actions.
4. Assist in drafting responses to regulated entities seeking clarification of the department's interpretation and application of statutory and regulatory provisions.
5. Provide information to other state agencies regarding the impact of the existing regulatory framework on private industry and licensees.
6. Coordinate information between the agency's business units regarding the department's interpretation and application of statutory and regulatory provisions.
7. Coordinate and manage litigation matters referred to the Attorney General's Office. When necessary, identify and insure availability of additional outside expertise for investigation and trial.
8. Consult with attorneys from other agencies in developing cooperative case strategy.

II. Provide legal analysis and legal advice with respect to the application of Minnesota statutes and rules to fact situations presented the units within the Enforcement Division .

Priority: A Percent of time: 40% Discretion: A

1. Provide technical analysis to the Enforcement unit(s) regarding potential violations of law with respect to the activities of regulated industries.
2. Draft legal memoranda, orders, and correspondence setting forth department's position regarding requests for legal analysis.
3. Provide clarification of the department's interpretation and application of statutory and regulatory provisions at issue in enforcement actions.
4. Assist in the drafting of correspondence to investigatory targets outlining the legal basis for the positions taken by the department. Provide information to other state agencies regarding the impact of the existing regulatory framework on private industry and licensees.
5. Provide counsel on administrative procedures and available remedies to Assistant Commissioners, Deputy Commissioners and the Commissioner on Market Conduct Exams.
6. Coordinate and manage litigation matters referred to the Attorney General's office. When necessary, identify and insure availability of additional outside expertise for investigation and trial.
7. Consult with attorneys from other agencies in developing cooperative case strategy.

ANNOTATION: Incumbents at this level are responsible for providing legal advice in a variety of complex and changing areas affecting the agency and providing legal expertise to facilitate compliance.

III. Provide legal analysis, legal advice, and practical assistance to assigned business units within the Department with regarding to all aspects of rulemaking.

Priority: A Percent of time: 10% Discretion: A

1. Assist internal staff in drafting rules related to their area, including substantive language, structure, and format.
2. Manage and coordinate procedural requirements of the rulemaking process.
3. Provide legal analysis related to rulemaking issues to business units as requested.
4. Attend regular meetings of the Inter-agency Rulemaking Committee.
5. Monitor issues and developments related to rulemaking process and, as appropriate, report relevant changes to affected Department staff.

ANNOTATION: At the Staff Attorney 3 level, the incumbent will need to use creative approaches to obtain and analyze information and balance competing interests and conflicts in law, in an often ambiguous environment.

IV. Provide legal analysis, legal advice, and practical assistance to assigned business units within the Department with regard to aspects of the Minnesota Government Data Practices Act, including the receipt, review, management of internal data, and release of data to assure consistency and accuracy in responses by the agency when dealing with issues of regulatory policy and statutory compliance.

Priority: A Percent of time: 5% Discretion: A

1. Manage the workflow of the Department's responses with regard to receipt and review of Data Practice requests, release of data and information from any internal Department staff or external person, agency, or other government agency.
2. Work with internal staff, or data management specialists, to assist in the gathering, collection, review, and response to requests for Department data and information.
3. Review department business unit responses and other communications, as needed, for compliance with the Minnesota Government Data Practices Act
4. Work with and advise business units entering into interagency data sharing agreements and other memoranda of understanding for purposes of sharing investigative and other not public data and review those documents for compliance with the Minnesota Government Data Practices Act and other applicable law.
5. Train internal staff to gather, collect, review, and respond to requests for Department data and information, and on data management, storage, and data retention.

V. Review, analyze, and provide recommendations to relevant business units within Department regarding Class Action Fairness Notices received by the Department.

Priority: A Percent of time: 5%

Discretion: A

1. Review, analyze, and provide recommendations to relevant business units within Department regarding Class Action Fairness Notices received by the Department.
2. Provide necessary information and assistance to business units to execute recommendations.
3. Create and develop relationships with other relevant state agencies, both within and outside Minnesota, including attorneys general, to coordinate objections and resolutions to proposed class action settlements and/or enforcement actions.
4. Coordinate and assist Attorney General's Office in drafting objections to proposed class action settlements, when necessary.

003949 Staff Attorney Supervisor

SAMPLE OF A TYPICAL POSITION (BENCHMARK)

KEY CLASS DISTINCTION: A Staff Attorney Supervisor applies extensive legal experience and subject matter knowledge to solve complex problems and employs supervisory skills to guide and direct the work of licensed attorneys.

Position Purpose:

This position exists within the General Counsel's Office (GCO) to provide legal expertise to the agency. The individual will work with the agency's General Counsel. The individual in this position will be responsible for supervising other attorneys who focus on program-specific legal services and, with those supervised attorneys, for providing legal advice in a variety of complex and changing areas, reflecting the diverse activities of these direct service programs. The individual will specifically provide legal advice in the areas relating to the Minnesota Act. The individual in this position will also conduct research and provide legal advice on compliance matters relating to the operation of state operated behavioral health care programs, and assist in developing important legislative initiatives.

ANNOTATION: At this level, there is a high level of freedom to act and the incumbent exercises all discretion allowed to supervisors in overseeing the employment and the program-specific work of those that report to them.

Reports to:

General Counsel

Supervises:

2 Associate General Counsels

Budget:

N/A

Clients:

Commissioner, Deputy Commissioners, the Executive Office, Executive Management and Staff, Attorney General's Office, other General Counsel's Office staff, county attorneys offices, privacy official, management staff with legal policy activities included in daily work, legislators and legislative staff, contractors, data subjects, media and the general public.

Principal Responsibilities

I. Lead and supervise the provision of legal services to the program components of the division.

Priority: A Percent of time: 20% Discretion: A

1. Provide direct supervision and guidance to the Associate General Counsel focused on serving the program. Provide direct supervision and guidance to the Associate General Counsel focused on serving specific programs.
2. Understand, adhere to, and implement policies and practices for the supervision of attorney employees.
3. Identify legal, operational, regulatory, compliance, policy, legislative, and other issues and measures positively or negatively affecting the effective and efficient provision of care and services by specific programs and determine, in consultation with the General Counsel the appropriate next steps.

II. Support the litigation and policy work of the Department by conducting legal and policy research to produce written products that collect and apply research to issues concerning the Department, with particular emphasis on civil commitment and the operation of state operated behavioral health care programs and services.

Priority: A Percent of time: 20% Discretion: A

1. Advise and recommend to Department leaders changes to current law, rule, or practice in the areas of civil commitment and operation of state operated behavioral health care programs and services.
2. Gather and summarize information about statutory and case law concerning civil commitment and state-operated behavioral health care programs and services.
3. Gather and summarize information about policies and research relating to the civil commitment, treatment, and community integration of civilly committed individuals in Minnesota and other states.
4. Gather and summarize information on legal and compliance matters relating to the operation of state operated behavioral health care programs, such as psychiatric hospitals, forensic programs, and residential treatment programs.
5. Conduct legal research in connection with specific litigation.
6. Write memoranda and other products to apply legal research to specific litigation or anticipated litigation.
7. Review and comment on legal pleadings in consultation with legal and policy research.
8. Synthesize and apply policy and academic research to issues concerning civil commitment and the operation of state operated behavioral health care programs and services.
9. Summarize legal pleadings and arguments in matters that involve complex and/or novel procedural and substantive legal issues.
10. Develop and organize a comprehensive knowledge base of case law and research on civilly committed individuals and state-operated behavioral health care programs and services.
11. Participate in meetings with executives to explain legal and policy research and to develop directions for further research.
12. Perform other research and writing tasks as assigned.

ANNOTATION: At this level, problems of a complex nature will be frequently presented in areas with sometimes little existing case law or other guidance.

III. Provide legal advice to managers and executives on various topics within the Department, with a focus on civilly committed individuals and the operation of state-operated behavioral health care programs and services.

Priority: A Percent of time: 35% Discretion: A

1. Perform analysis, identify issues and options, and provide advice and recommendations, orally and/or in writing, on complex legal questions involving the Department.
2. Assist in the development of policies and protocols in connection with the integration of civilly committed individuals into the least restrictive community settings.
3. Provide advice on application of specific statutory and case law to the Department, including data privacy and the ADA.
4. Provide advice on legal and compliance matters relating to the operation of state operated health care programs, such as psychiatric hospitals, forensic programs, and residential treatment programs.
5. Review written policies and protocols of Department's residential programs and recommend changes to assure compliance with licensing, statutory, and other authority.
6. Review non-legal written communications for legal issues and accuracy of law-related content and to provide advice.
7. Review correspondence/inquiries from state residential program clients or stakeholders to recommend and draft appropriate responses.
8. Manage and respond to Department's staff requests for legal advice or law-related inquiries.
9. Consult with the Department's general counsel and deputy general counsels as legal issues arise to ensure consistency in the Department's positions.
10. Participate in General Counsel's Office and Compliance Office meetings to coordinate and contribute to resolution of legal issues within the Department.
11. Consult with the Attorney General's Office, as needed.
12. Review and maintain an up-to-date knowledge of court decisions that may have an impact on the Department and its programs.
13. Provide legal advice, consultation, written communication, and other legal services, as requested, to Department staff responsible for implementation activities under Minnesota's Olmstead Plan and its related work plans.

ANNOTATION: Legal issues faced at this level are of a sensitive, high-profile nature at times, and require the exercise of discretion and judgment in tandem with legal research and analysis.

IV. Monitor litigation involving the Department to coordinate litigation-related information and activities in support of favorable outcomes for the Department, with particular emphasis on litigation connected with specific programs.

Priority: A Percent of time: 25% Discretion: A

1. Monitor and periodically report on petitions for reductions in custody by patients who are mentally ill and dangerous as petitions proceed through the Special Review Board, Supreme Court Appeal Panel, and appellate courts.
2. Maintain the tracking of filed and anticipated litigation to provide periodic status reports.
3. Maintain an up-to-date collection of pleadings in cases in which the Department is a party or has an interest.
4. Review and summarize voluminous factual records for individual cases to assist decision makers.
5. Facilitate litigation by assisting the Attorney General's Office with data collection, development of facts, answer to complaints, and factual responses to discovery requests.
6. Identify when litigation holds are necessary and then implement and monitor such holds.
7. Coordinate the provision of information to expert consultants retained by the Department in connection with litigation and petitions for reduction in custody.
8. Facilitate the contracting of and other activities involving consultants and experts for litigation.