

Position Description

Read each heading carefully before proceeding. Make statements simple, brief, and complete. Be certain the form is signed. Send the original to KDOT Bureau of Personnel Services.

CHECK ONE: NEW POSITION EXISTING POSITION

Agency #
276

PART I - Position Information

1. Agency Name KS Dept. of Transportation	9. Position Number 00-07-70-800 / K0238544	10. Budget Program Number
2. Employee Name (leave blank if position vacant)	11. Present Civil Service Title / FLSA code (if existing position) Attorney - E	
3. Division Office of Chief Counsel	12. Proposed Civil Service Title	
4. Section	For use by Personnel Office	
5. Unit	13. (a) Allocation	(b) FLSA code
6. Location (address where employee works) City Topeka County Shawnee	14. Effective Date	
7. (Check appropriate items) Full time X Regular X (Unclassified) 100% Part time Temp	15. By Approved	
	16. Audit Date: Date:	By: By:
8. Regular hours work: (check appropriate time) FROM: 8:00 AM TO: 5:00 PM	17. Position Review Date: Date:	By: By:

Position

PART II -- Organizational Information

18. (a) Briefly describe why this position exists. (What is the purpose, goal or mission of this position?) (b) **If this is a request to reallocate a position**, briefly describe the reorganization, reassignment of work, new function added by law or other factors which change the duties and responsibilities of the position.

This position provides legal counsel to the agency on personnel-related matters, including disciplinary matters, proposed terminations, ADA-related issues, and FMLA issues. The position represents the agency in internal and external personnel-related proceedings, including handling hearings before the Kansas Civil Service Board, Kansas Human Rights Commission, the Equal Employment Opportunity Commission, and Kansas Department of Labor Office of Unemployment Appeals. The position advises agency management on employment-related actions based on federal and state regulations, case law, statutes, the Kansas Organization of State Employees Memorandum of Agreement, and internal KDOT policies. The position also assists in drafting personnel-related internal policies (SOM's).

19. Who is the supervisor of the position? (Who assigns work, conducts performance reviews, gives directions, answers questions and is directly in charge?)

Name	Civil Service Title	KDOT/SHARP Position Number
Gelene Savage	Chief Counsel	00-07-00-001 / K0054854

20. a) How much latitude is allowed the employee in completing the work? b) What kinds of instructions, methods and guidelines are given to the employee in this position to help do the work? c) State how and in what detail work assignments are made.

- a) Employee has broad latitude to perform assigned responsibilities using initiative and independent judgment.
- b) Employee is guided by federal laws and regulations, state statutes and regulations, court/administrative rules and KDOT policy.
- c) Employee is given policy-level direction by the Chief Counsel and Litigation Attorney, and is assigned broad responsibility of advising the Bureau of Human Resources and other Senior Managers, through the exercise of independent professional judgment, within statutory, regulatory and agency policy. Work requests come directly from the Chief Counsel, the Litigation Attorney, the Bureau of Human Resources, or other Executive and Senior Managers. This attorney's work requires independently establishing and maintaining effective working relationships with staff in the Bureau of Human Resources, Executive and Senior Managers, agency administrators, engineering staff, technical staff, and the public.

d) Check the statement which best describes the results of error in action or decision of the employee:

- () Minimal property damage, minor injury and/or minor disruption of the flow of work.
- () Moderate loss of time, injury, damage and/or adverse impact on health and welfare of others.
- (X) Major program failure, major property loss and/or serious injury.
- () Loss of life and/or disruption of operations of a major agency.

Give examples: (1) This position handles personnel-related legal matters, including state and federal administrative actions against the agency and assisting with personnel-related litigation in federal and state courts. Failure to perform may result in major dollar losses.

21. Describe the work of this position using this page or one additional page only. Use the following format for describing job duties:

What is the action being done (use an action verb)? To **whom** or **what** is the action directed (object of action)? **Why** is the action being done (describe the expected result or outcome)? ***How** is the action being done (describe the manner, methods, techniques or procedures by which the task is currently performed). For each task state: Who reviews it? How often? What is it reviewed for? Number each task, indicate percent of time and identify each function as essential or marginal by placing an E or M next to the % of time for each task. Essential Functions are the primary job duties for which the position was created (see 18a) and that an employee must be able to perform, with or without reasonable accommodation. A marginal function is a peripheral, incidental or minimal part of the position.

No. % E/M

	It is expected that the person in this position will provide effective leadership to their assigned work unit. This includes such things as leading by example, providing priority objectives, midyear performance feedback discussions, timely performance reviews, coaching and counseling, discipline, and providing employee development opportunities for employees under your supervision.
1. 45% E	<u>PERSONNEL – ADVICE, RESEARCH:</u> Research federal and state regulations, case law, and statutes, and provide advice on personnel-related matters to the Secretary, Chief Counsel, Bureau Chief of Human Resources, District Engineers, and other KDOT Executive and Senior Managers based on research. Personnel-related matters include, but are not limited to, disciplinary and termination matters, ADA-related issues, FMLA issues, grievances, performance rating appeals, and hiring-related matters.
2. 30% E	<u>INVESTIGATIONS, HEARINGS & LITIGATION:</u> Represent the agency in internal and external personnel-related proceedings, including internal discipline or termination hearings and meetings, or hearings before administrative agencies such as the Kansas Civil Service Board, Kansas Human Rights Commission and Equal Employment Opportunity Commission, or in employment-related litigation in state and federal courts. Oversee the investigation of employee claims/actions referred to OCC, which includes interviewing employees and the gathering of evidence and documentation from employment records, court records, law enforcement records, and other state agency records.
3. 15% E	<u>DRAFT COMMUNICATIONS, POLICIES AND PROCEDURES:</u> Draft, review and/or edit disciplinary/termination letters, or other communications as requested by BHR. Assist with drafting and review of personnel policies at the direction of Chief Counsel or BHR. This could include drafting internal procedures for certain types of investigations or hearings, or drafting/reviewing KDOT personnel-related S.O.M.'s.
4. 5% E	<u>LEGISLATION, REGULATIONS AND CASE LAW:</u> Draft and monitor legislation and regulations proposed by the agency. Assess the impact of proposed legislation on agency operations. Advise agency administrators concerning the interpretation of laws and the proper course of legal action. Render opinions on the legality of administrative regulations and other matters of the agency. Review new regulations and case law relating to personnel matters and advise agency of any necessary changes to policies or procedures.
5. 5% M	<u>OTHER DUTIES:</u> Provides opinion, advice, and legal research as requested. Attends, participates, and/or presents at conferences. Performs other duties as assigned by the Chief Counsel.

E Must be capable of performing the essential physical functions detailed in Section 28.

* The description of how the work is to be performed does not preclude the consideration of reasonable accommodations for qualified persons with disabilities.

22. a) If work involves leadership, supervisory, or management responsibilities, check the statement which best describes the position.

- Lead worker assigns, trains, schedules, oversees, or reviews work of others.
- Plans, staffs, evaluates, and directs work of employees of a work unit.
- Delegates authority to carry out work of a unit to subordinate supervisors or managers.

b) List the titles and position numbers of all persons who are supervised directly by the employee in this position.

Civil Service Title
Legal Assistant

KDOT / SHARP Position Numbers
00-07-70-801 / K0226177

23. For what purpose, with whom and how frequently are contacts made with the public, other employees or officials?

This employee contacts outside attorneys, judges, court or administrative agency personnel, law enforcement officers, the general public, as well as KDOT department heads and other agency personnel to obtain or supply information, set meetings, set depositions or arrange for hearings. This is done on a daily basis.

24. What hazards, risks or discomforts exist in the job or work environment?

- Frequent exposure to extreme cold/heat wet/humid conditions.
- Exposure to mechanical parts such as but not limited to, muffler, exhaust pipes, and other radiant energy equipment.
- Exposure to noise, vibrations, fumes, odors, gases, dust and/or poor ventilation.
- Works in traffic.
- Other: Might encounter hostile persons. Overnight travel may be required.

25. List machines or equipment used regularly in the work of this position. Indicate the frequency with which they are used.

Personal desktop/laptop computer, telephone, email – daily.
Scanner, copy machine, and legal research software – frequently.
Mobile telephone, video camera, and still camera – occasionally.

For more specific information on equipment used regularly please see Section 28.

PART III -- Education, Experience and Physical Requirements

26. **REQUIRED CLASS SKILLS** (see class specifications)

Minimum Requirements: Certificate of admission to the Bar of the Supreme Court of Kansas or temporary permit to practice law issued by the Supreme Court of Kansas at the time of hire.

27. SPECIAL REQUIREMENTS

a) Indicate any license, registration, certification, etc. required for this position:

- Professional Civil Engineer License
- Engineer in Training Certificate
- Survey License
- CDL - Employee must attain a Commercial Drivers License with required endorsements or options within 60 days of hire, and maintain it, unless the time is extended by the District Engineer in accordance with SOM 2.1.9. **(This statement is for Equipment Operator positions.)**
- CDL - Employee must attain a Commercial Drivers License with required endorsements or options within 60 days of hire and maintain it unless the time is extended or the employee is exempted by the District Engineer, Bureau Chief, or Division Director in accordance with SOM 2.1.9. **(This statement is for CDL positions other than Equipment Operators.)**
- Other Valid Drivers License and License to practice law in Kansas

b) List preferred education or experience that may be used to screen applicants.

e) A minimum of two years experience working in an employment-related field or other experience relevant to state/federal employment law and regulations. Demonstrated ability to work independently, and to establish and maintain effective working relationships with Executive and Senior Managers, agency administrators, engineering staff, technical staff, and the public.

28. **ESSENTIAL PHYSICAL FUNCTIONS/DUTIES** – duties that are fundamental to the position based on the function and the results to be achieved, rather than the manner in which they are being performed. Duties that are directly related to the reason the position exists and cannot be reassigned without changing the nature of the position. All job duty physical demands are essential physical functions of this position and the employee must be able to perform them.

Definition of Frequency:

Occasional = 1-33% (1 – 100 reps)

Frequent = 34-66% (101 – 500 reps)

Continuous = 67 – 100% (500+ reps)

Job Duty	Job Duty Physical Demands/Comments	Weight/Force	Frequency
Complete computer work	Sit - At a seated computer workstation	N/A	Continuous
	Stand - To use printer, scanner, file, etc.	N/A	Occasional
	Walk - To access printer, scanner, file cabinets in the vault, etc.	N/A	Occasional
	Bilateral Hand Coordination - To use computer keyboard and mouse.	N/A	Continuous
	Reach, above shoulder - To access binders on shelves over desk (height of 54")	N/A	Occasional
	Crouch or bend – To access files out of bottom file cabinets	N/A	Occasional
	Lift, floor to waist - To access files out of bottom file cabinets (<5 lbs): To move recycled paper box (self-select weight). Floor to 30".	2 lbs	Occasional
	Lift, Floor to shoulder – To access/handle largest (medical) files from floor to file cabinets in the vault (Floor to 56")	10 lbs	Occasional

Job Duty	Job Duty Physical Demands/Comments	Weight/Force	Frequency
Complete observations in the field	Sit – Up to 6 hours in vehicle when traveling.	N/A	Occasional
	Stand –Outdoors, on uneven terrain, in various weather; to observe and document findings in the field.	N/A	Occasional
	Walk –Outdoors, on uneven terrain, in various weather; to observe and document findings in the field.	N/A	Occasional
	Bilateral Hand Coordination - To handwrite notes; to operate steering wheel & hand controls of vehicle.	N/A	Occasional
	Lower Extremity Use- To operate foot pedals of vehicles.	N/A	Occasional
	Climb – Over a guard rail or bridge, to access and view proposed area	N/A	Occasional
	Lift, Floor to waist– (Floor to 30") To place file boxes on a table, in the car.	25 lbs	Occasional
	Carry - (up to 75 Ft. To place file boxes on a table, in the car. To move laptop (15 lbs). To transport the projector (17 lbs) & projector screen (16 lbs); Note: A cart is occasionally available for long distances (into courtrooms, etc.).	15 lbs	Occasional

PART IV -- Signatures

Signature of Employee Date

Signature of Personnel Official Date

Signature of Supervisor Date

Signature of Appointing Authority Date