

**UNITED STATES TRANSPORTATION COMMAND
(USTRANSCOM)**

**POSITION DESCRIPTIONS
SERIES 0905 (ATTORNEY)**

Released under FOIA 10-81

AIR FORCE CORE PERSONNEL DOCUMENT

ORGANIZATION: USTRANSCOM/TCIA CPD NUMBER: 9S42159001
 SUPV LEV CODE: 5 COMP LEV CODE: ~~U60A~~
 TARGET GRADE: ~~1A~~ YA-03 FLSA: Exempt
 JOB SHARE: No CAREER PROG ID: N/A
 SENSITIVITY: ~~NO~~ Critical Sensitive *4.15.02* BUS: 8888
 EMERGENCY ESS: No DRUG TEST: 1
 KEY POSITION: No POSITION HIST: Replaced by 9S41685001

CLASSIFICATION: ~~ATTORNEY-ADVISER (General), GS-0905-14~~ *Attorney (International/Transportation)*
 Staff Attorney *YA-905-03 BY 10/1/00*

ORG & FUNC CODE: JAY
 1ST SKILL CODE: 50% CDP3GE ATTORNEY - ADVISOR/TRANSPORTATION
 2ND SKILL CODE: 30% CDPPAR ATTORNEY - ADVISOR/GENERAL
 3D SKILL CODE: 20% CDPTGM ATTORNEY - ADVISOR/CONTRACT

CLASSIFIED BY:

CLASSIFIER SIGNATURE

20 Feb 2002
 DATE

SUPERVISORS CERTIFICATION:

I certify that this Core Personnel Document is an accurate statement of the major duties, knowledge, skills, and abilities, responsibilities, physical and performance requirements of this position and its organizational relationships. The position is necessary to carry out government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds and misleading statements may constitute violations of such statutes or their implementing regulations.

SUPERVISOR:

SUPERVISOR SIGNATURE

20 Feb 02
 DATE

CERTIFICATION:

Rater/Supv.				
Date				
Reviewer				
Date				
Employee*				
Date				

*Signature acknowledges receipt. It does not indicate agreement/disagreement
 AF Form 1003 APR 90 (COMPUTER GENERATED)

BUS CODE: Position is exempt from the
 bargaining unit IAW 5 USC, Chapter 71, para
 7112(b)(1)- MANAGEMENT OFFICIAL

NSPS-
 TAW DOD 1400.25M (4-28-06):
 Employee's performance plan in this PD is superseded by
 NSPS guidelines, and is documented on DOD form 2906
effective 10-05-06

10-81

PURPOSE OF POSITION AND ORGANIZATIONAL LOCATION:

The primary purpose of this position is: To serve as a senior staff attorney in the Civil and Fiscal Law branch in the Office of Chief Counsel. Responsible for drafting, reviewing, and negotiating agreements with the Federal Aviation Administration (FAA), Department of Transportation (DOT), Department of State (DOS), National Transportation Safety Board (NTSB), the military services, and other government agencies under authority delegated by DOD or DOT, addressing the maintenance and operation of the Civil Reserve Air Fleet (CRAF), Strategic Rail Network, and other industry-specific transportation programs critical to national security. Responsible for the development of implementing procedures and directives to fulfill delegations of authority from Secretary of Defense (SECDEF) to USTRANSCOM to insure effective management and efficient use of the worldwide Defense Transportation System (DTS). Serves as DOD's primary expert in the field of aviation law, reviewing proposed and existing international aviation treaties and domestic legislation and regulations impacting DOD transportation operations, and formulating USTRANSCOM's and/or DOD's response thereto. Represents the command and DOD before transportation industry regulatory bodies such as the Surface Transportation Board and the FAA. Responsible for drafting, reviewing, and negotiating international agreements, to include Cooperative Military Airlift Agreements, Implementing Arrangements for transportation and related services under existing Acquisition and Cross-Servicing Agreements (ACSA) and NATO Transportation Agreements. Frequently represents the command on DOD, interagency, and government-to-government-level committees, panels, and working groups. Routinely interacts with attorneys and senior policy personnel in DOD, DOD General Counsel, the Legal Advisor to the JCS, military service headquarters, other Combatant Commands, component commands, the DOS, DOT, allied forces, and commercial companies.

The work requires providing potentially precedent-setting legal advice on extremely difficult and complex legal issues in the areas of aviation and transportation law, fiscal law and policy, civil law, international law, insurance and tax law, personnel law, contracts, standards of conduct, financial reporting, and ethics in government. Cases regularly involve precedent-setting issues involving: new or changed treaties, legislation or regulations potentially impacting billion dollar transportation programs and/or industries; multi-million dollar contracts; billion dollar war-risk insurance policies; multi-billion dollar budgets; program and fiscal reclaims to Congress on behalf of both USTRANSCOM, DOD, and the DTS; and other fiscal issues. Many issues are politically sensitive, attracting Congressional or foreign concern, inquiry, scrutiny, and/or other action. Manages the command's standards of conduct program and advises the USTRANSCOM/IG on sensitive investigations, inquiries, and complaint handling.

The organizational location of this position is: United States Transportation Command, Office of Chief Counsel (TCJA), Civil and Fiscal Law Branch, Scott AFB IL

ORGANIZATIONAL GOALS OR OBJECTIVES:

The organizational goals or objectives of this position are: To provide precedent-setting legal advice and services to OSD, CINC/DCINC, the command staff, and component command staffs on extremely difficult and complex legal issues in the areas of aviation and transportation, civil, fiscal, and international law, to include insurance and tax law, contracts, financial reporting and ethics in government.

DUTY 1:**40% Critical**

Exercises full authority and responsibility as the principle assistant to the Chief, Civil and Fiscal Law, providing advice to the Chief Counsel, command staff, and DOD organizations on extremely complex and difficult legal questions or factual issues involving the drafting, interpretation, negotiation and application of treaties, other international agreements, legislation, regulations, contracts, orders, decisions, or other legal instruments that require a high order of original and creative legal endeavor to enable the Defense Transportation System (DTS) to operate in a very complex international, legal, and political environment. Implements extensive transportation-related authority delegated to the CINC by DOD, the Joint Staff, or Congress. Issues and areas of responsibility include but are not limited to: drafting, reviewing and responding to international and domestic transportation laws, regulations and policies impacting the DTS; formulation of command and DOD positions and initiatives relating to the DTS; formulation and execution of operational travel policies; ethics training and program implementation; defining and

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exercising USTRANSCOM's acquisition authority; arranging inter-service support for USTRANSCOM units; providing legal advice and guidance to the Joint Deployment Training Center (JDTC); reengineering initiatives; Denton Amendment and Humanitarian cargo; advocating and developing international support of the DTS; and addressing Global Transportation Network (GTN) problems associated with use of the World Wide Web. Develops command policy and procedures associated with intelligence and acquisition oversight, the execution of transportation duties and responsibilities granted to USTRANSCOM, and orchestrates litigation oversight of cases impacting the DTS. Drafts and negotiates Memoranda of Understanding (MOU) with other government agencies and the military services providing support via, and obtaining support for the DTS. Prepares and negotiates international agreements relating to the provision of transportation services to allied nations and international organizations. Provides direct support to interagency and DOD-level committees and action offices on issues impacting the DTS. Represents the command and/or DOD before transportation regulatory agencies, drafting and reviewing substantive submissions and preparing the written testimony of DOD witnesses. Requires frequent and routine contacts and meetings with high-ranking officials and attorneys of foreign governments, congressional staff, government agencies, OSD, industry, and lobbyists. Required on occasion to respond personally to congressional professional and personal staffers to explain command initiated legislation and the anticipated impacts to the DTS. Also requires daily contact with attorneys in the Chairman's Legal Office and other Combatant Commands on unified command issues and improving USTC support for their missions.

STANDARDS:

- A. Normally researches and provides written and oral opinions on transportation law issues impacting the command and DOD. Almost always resolves issues associated with new authorities delegated to USTRANSCOM, and how to use these authorities to improve the DTS within the constraints of law and regulation. Usually reviews legislation, regulations, and proposed JSC and DOD directives to, with few exceptions, minimize adverse impacts to the DTS. Almost always provides correct answers, formulates and advocates the best alternatives to achieving command goals.
- B. Generally represents the command and/or DOD in negotiations and discussions with foreign officials, other Executive Branch agencies, the military services, other unified commands, JCS, DOD, and the commercial transportation industry on issues of mutual interest. Usually achieves results which can be implemented within the regulatory and policy constraints imposed by law, DOD, and the command.
- C. Typically keeps Chief, Civil and Fiscal Law, informed of the status of major projects and deviations from operational policy, along with proposed remedial actions.

KSA: 1, 2, 3, 4, 5, 6, 7, 9, 10

DUTY 2:**20% Critical**

Plans and schedules work on a case basis to assure responsive legal support to HQ USTRANSCOM in all employment-related disputes arising from Civilian personnel assigned to the Headquarters work force. Generally, cases include appeals to the Merit Systems Protection Board (MSPB), proceedings before the Federal Labor Relations Authority (FLRA) (e.g., Unfair Labor Practice complaints, Certification of Unit Petitions, etc); investigations into complaints of unlawful discrimination; hearings before, and appeals to the Equal Employment Opportunity Commission (EEOC); labor arbitration under collective bargaining agreements; investigations by the Office of Special Counsel of the MSPB; and, grievance hearings under AFI 36-704. Incumbent is completely responsible for the handling of the cases. This includes developing the theory of the case, determining what evidence and arguments will be advanced; conducting and responding to discovery, where appropriate, and recommending and executing settlement agreements in appropriate cases; presenting testimonial and documentary evidence and arguments to the fact-finding tribunal; and, generally performing all of pre-presentational functions required for the defense or prosecution of the case in a particular forum. In the event that an unfavorable decision is reached at the initial adjudicative level, decides if a basis for appeal exists, and, if so, prepares and submits such an appeal. Also, responds to appeals filed against favorable decisions by employees or employee organizations. Such appeals or responses to appeals are filed with the heads of other adjudicating agencies (i.e., MSPB, FLRA, EEOC). Appeals or responses to appeals are made in behalf of the U.S. Air Force as a separate administrative agency or

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military department and not merely in behalf of the 375th Airlift Wing, HQ USTRANSCOM or Scott AFB. Provides advice, guidance, and recommendations to commanders, management officials, and members of the Civilian Personnel Flight on all employment-related matters related to HQ USTRANSCOM which may include individual disciplinary actions, labor grievances, negotiability issues, interpretations of statutes and regulations affecting civilian employment, affirmative action plans, discrimination complaints, and interpretations of labor agreements. Represents the command as lead or assistant attorney in all litigation or as lead counsel in all settlement negotiations before any courts or boards as necessary to represent the command's interest in all employment related matters from civilian personnel assigned to USTRANSCOM. The incumbent develops, recommends, and drafts broad policies and programs that affect a part or all of USTRANSCOM's civilian work force (e.g., commander's drug policy, restrictions on hiring authority, etc).

STANDARDS:

- A. Normally researches and provides written and oral opinions on employment related issues and disputes arising from civilian personnel assigned to HQ USTRANSCOM. Usually ensures that opinions are provided in a timely manner so that civilian supervisors and appropriate command authorities have the maximum flexibility in responding to employment-related issues and disputes.
- B. In most cases, represents the command before all judicial and quasi-judicial tribunals in employment-related disputes arising from civilian personnel assigned to HQ USTRANSCOM. Usually completes filings in a timely manner, to include, but not limited to, answers, petitions, discovery requests, requests for disposition, requests for interrogatories, motions to compel, motions to dismiss, motions for directed verdicts and any and all appropriate motions or filings with the relevant judicial or quasi-judicial tribunal to ensure that the command's and the supervisor's interest in the relevant matter are properly and completely represented at all times.
- C. Usually represents the command as lead or assistant attorney in all litigation before any courts or boards as necessary to represent the command's interest in all employment-related matters arising from civilian personnel assigned to HQ USTRANSCOM. In most cases will ensure that the strategy taken before the tribunal is well reasoned and the most appropriate strategy to have the greatest likelihood of success before the tribunal in achieving the goals of the command and the supervisor in the related matter.

KSA: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10

DUTY 3:**20% Critical**

Researches and provides draft positions for adoption by the Chief, Civil and Fiscal Law, relative to fiscal management of the Transportation Working Capital Fund (TWCF), an industrial revolving fund, to include internal controls for cash management to avoid Antideficiency Act violations, implementing procedures for USTRANSCOM's investigation of alleged 31 U.S.C. section 1517 violations, and limits of permissible expenditures of reimbursable funds. Develops implementing procedures and drafts policies for the TWCF in its role as a working capital fund. Responds to fiscal problems facing the command in wisely expensing the four billion dollar annual transportation expenditures for the DOD. Prepares rebuttals to proposed program budget decisions impacting the command's interests. Works with the USTC/TCJ8 financial directorate on developing and documenting fiscal policies, capital versus operating funding, preparing reclamas to DOD/IG and GAO audits, and resolving POM issues. Also supports TCJ8 in resolving TWCF issues with OSD Comptroller and the component financial managers. Prepares training materials and presents training on international, civil, and fiscal law issues as required to USTRANSCOM staff elements, including General/Flag officers and senior executive service civilians.

STANDARDS:

- A. Normally develops procedures and policies to enable the TWCF to meet the needs of the DTS while providing management the flexibility to respond to any contingency without violating fiscal laws or DOD policy. Almost always provides accurate advice on requests regarding fiscal issues associated with contracts, grants, other procurements, or planned operations.

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- B. Generally ensures that TWCF operations meet requirements outlined in DOD regulations and law while supporting the Chief Financial Officer by analyzing and evaluating programs, identifying problems or deficiencies, and typically providing workable solutions to implement improvement plans to meet established goals for a large, multi-mission or otherwise complex and diverse organization or installation.

KSA: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10

DUTY 4:**10% Critical**

Provides advice to the USTRANSCOM staff on major acquisitions, strategies, and compliance with the Federal Acquisition Regulation (FAR) and implementing supplements. Prepares or reviews command regulations and supplements controlling the command's procurement processes. Initiates publications and changes to publications. Explains significant changes, and seeks to maximize acceptance among directorates. Develops command position on significant fiscal policy issues impacting command or component command acquisition of transportation, goods and services which is supported by clear documentation and by coordination with other interested parties. When required, assists component commands with acquisition strategy panels, source selection or technical advice on purchasing common user transportation. Sits on committees and working groups. Assists command acquisition personnel with fiscal and procurement issues, and the transfer to USTRANSCOM of the Defense Transportation Reengineering of Travel (commercial travel offices). Participates in inter- and intra-agency discussions forming the basis for policy decisions, proposed acquisition related legislation, regulations and similar matters; ensures that command needs and views are adequately voiced and considered.

STANDARDS:

- A. Generally develops and/or revises policies, procedures and practices for adoption by the command and its components by almost always considering how best to meet command mission needs, while remaining within the bounds of statutory, regulatory, and decisional law.
- B. Normally represents USTRANSCOM in cases being prepared and presented before administrative tribunals by establishing strategy, evaluating relevant policy and precedent, and assuring appropriate documentary evidence is provided. Almost always provides effective and forceful representation of the command's position in all forums.

KSA: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,

DUTY 5:**10% Critical**

Manages the command ethics program and serves as the primary ethics counselor on standards of conduct issues. Administers, develops, and provides ethics training for the command. Supervises the command's confidential and public financial disclosure programs, acting for the Chief Counsel in reviewing and approving the financial disclosure reports of all flag officers and senior executive service civilians. Delegates projects, work tasks and duties, and provides orientation and training to assigned paralegal staff members. Develops office procedures; recommends law library acquisitions; reviews and drafts command regulations and government contract provisions; provides legal assistance; and, reviews other documents for legal sufficiency. Reviews proposed correspondence, including IG reports, replies to congressional inquiries and commercial contractors, other Federal agencies, and DOD components. Evaluates information for accuracy, adequacy, and consistency with command position on the matter at hand; coordinates, conditionally or unconditionally, or refuses coordination. Indicates specific nature of problems and provides recommended approaches or additional information needed to resolve deficiencies and problems.

STANDARDS:

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- A. In most cases, ensures office functions are responsive to recommendation within the administrative official duties. Develop and/or revise office procedures and makes recommendations on policies/inquiries that are consistent with the command's position.
- B. Almost always applies procedures and directives to fulfill delegated authority from SECDEF to USTRANSCOM ensuring effective management and efficient usage of authority.

KSA: 1, 2, 3, 4, 10

Other significant facts pertaining to this position are:

- May be required to travel by scheduled passenger military or commercial aircraft in the performance of temporary duty assignments.
 - Position may be subject to recall, irregular or uncommon tour of duty, overtime, and/or mission-essential assignments.
 - Subject to conflict of interest laws and regulations; employee must complete and submit SF450.
 - A top secret security clearance is required.
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RECRUITMENT KNOWLEDGES, SKILLS, AND ABILITIES (KSA)

1. A law degree from an accredited law school and admission to a state or District of Columbia bar. Knowledge of theories, principles, and techniques of legal research, familiarity with legal resource materials, and proficiency in the use of such knowledge. An advanced law degree with specialization in an area of transportation law is desirable but not required.
2. Expert knowledge of local and DOD directives and Federal Law applicable to common-user transportation, ethics, civil, personnel and fiscal law.
3. Expert knowledge of transportation law and traffic management policies, concepts, and principles applicable to air, land and sea transportation (e.g. movement via aircraft, highway, light rail, ships, barges, etc., and the legal and regulatory framework pertaining thereto).
4. Expert knowledge of court and appellate board procedures to enable the command to meet court dates, suspense dates, and prepares for such litigation, to include depositions, discovery requests, requests for admissions and substantive motions.
5. Knowledge of organizational missions, objectives, procedures and regulatory framework of programs within which DOD, other federal agencies, and industry operate. Knowledge of the DTS, its capabilities and how it incorporates transportation requirements, traffic movement, and traffic management.
6. Ability to communicate orally in an effective manner in meetings and negotiations with opposing parties, senior government officials, transportation industry executives, and foreign government personnel. Employee must possess ability to effectively advocate the command position regardless of the forum and audience.
7. Ability to communicate effectively in writing legal opinions, correspondence, draft legislation, agreements, policy positions, and litigation support documentation.
8. Ability to evaluate legal risks associated with a proposed course of action, provide guidance and make recommendations as to proper courses of action to the decision-making authority, and execute the course of action selected.

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9. Ability to resolve very broad, complex or sensitive transportation law problems while maintaining the integrity of the various transportation programs.
10. Ability to work in an effective manner with all levels of personnel from other government agencies, congressional staffs, foreign governments, the Office of Secretary of Defense, Services, Defense Agencies, Joint Staff, TCCs and commercial transportation community to resolve problems, provide direction and/or present recommendations.

Factor 1 - Knowledge Required By The Position

A law degree from an accredited law school and admission to a state or District of Columbia bar. An advanced law degree with specialization in an area of transportation law is desirable but not required.

Expert knowledge of local and DOD directives and Federal Law applicable to civil, ethics, personnel, labor and fiscal law.

Expert knowledge of transportation law, policies, concepts, principles applicable to air, land and sea transportation (e.g. movement via aircraft, highway, light rail, ships, barges, etc.).

Knowledge of USTRANSCOM organizational missions, objectives, procedures and regulatory framework within which DOD, other federal agencies and industry operate.

Working knowledge of rules and procedures for litigation and defense of command actions in all forums, ranging from alternate dispute resolution to federal court litigation. Ability to communicate orally in an effective manner in meetings or in negotiations with opposing parties.

Ability to communicate effectively orally and in writing.

Ability to resolve very broad, complex or sensitive personnel, fiscal, civil or transportation problems involving diverse organizations, multiple approving authorities and a variety of competing policies and controls.

Ability to work in an effective manner with all levels of personnel from other government agencies, congressional staffs, foreign governments, the Office of Secretary of Defense, Services, Defense Agencies, Joint Staff, TCCs and commercial transportation community to negotiate agreements, resolve problems, provide direction and/or present briefings.

Ability to conduct legal research in an effective and timely manner to provide accurate statutory, regulatory, and case law precedents for consideration by decision makers.

Expert knowledge of the Federal Acquisition Regulation, DOD implementing regulations and statutory guidance relative to the procurement of goods and services for the command.

Factor 2 - Supervisory Controls:

Works under the general supervision of the Chief, Civil and Fiscal Law, who assigns general program functions for which employee has responsibility. At the time an assignment is made, the supervisor may discuss the significance of the problem and provide some background information. The employee works independently with a considerable degree of autonomy, exercising judgment and determining required resources and approaches, particularly in the area of employment related issues. Frequent and routine direct contact with senior government, foreign, industry and DOD personnel on a broad range of issues is expected and required. The incumbent is delegated considerable responsibility and has wide-ranging discretion and decision authority. Incumbent is frequently the only representative of the command in DOD, interagency, or international negotiations and must be capable of articulating and forcefully advocating the US, DOD, and/or command position, and exercising sound judgment and discretion in making on-the-spot decisions/agreements. Incumbent is routinely the only DOD representative in litigation and

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settlement efforts related to all HQ USTRANSCOM employment related matters. Will conduct all settlement negotiations independently. Performance is evaluated in terms of overall effectiveness, success in achieving goals, and contribution to the accomplishment of the mission. Incumbent is expected to engage in trial advocacy and render advisory legal opinions to a variety of clients without supervision, subject to the overall policy declarations of the Chief Counsel. Duties are prioritized and executed on own initiative with the responsibility to resolve problems in a manner that does not infringe upon US, DOD, Joint Staff, or USTRANSCOM policies or prerogatives.

Factor 3 - Guidelines

Principle guidelines regularly used in the work include Public Law, international treaties and agreements, rulings of regulatory agencies, federal regulations, DOD and Joint directives and publications, multi-service and service regulations and command regulations and guidelines concerning particular transportation or traffic management issues or concerns associated with the movement of DOD passengers and cargo and the commercial transportation industry. Guidelines provide a general outline of the program goals and objectives, but they do not detail the methods used to perform or complete work assignments.

Factor 4 – Complexity

The work requires a working knowledge of all aspects of common-user transportation. These include acquisition law and the ability to research legal issues in such sources as the Federal Acquisition Regulation (FAR), the Defense Acquisition Regulations (DFARS), the Service Acquisition regulations (AFARS, AARS, etc.), as well as DOD, USTRANSCOM, and Service directives and Instructions relating to transportation, fiscal, and acquisition law issues. In addition, the incumbent must be able to provide counsel on the current aspects of third party logistics providers, acquisition of command support services, and insurance issues associated with commercial transportation providers in meeting DOD needs. Incumbent must be capable of securing an appropriate security clearance.

The incumbent also frequently serves as a project leader to develop command and DOD strategies, define requirements, negotiate agreements, and implement contractual or other solutions to satisfy DTS requirements while improving efficiency and effectiveness. Decisions concerning what needs to be done and how issues may be resolved are complicated by the large number of different organizations and diverse regulations and operating procedures established by each such organization. Other decisions are complicated by the difficulty in determining the scope of the problem in these activities because of such factors as multiple international and domestic authorities, policies and governing regulations; the impact of different funding sources and types of funding; and the wide dispersion and diversity of organizations and activities. The incumbent must be able to convince senior government, foreign, industry, and other policy makers of the merits of the DOD's and/or command's position, often by overcoming contrary positions advocated by other agencies, governments, or industry and provided by attorneys from some of the most prestigious law firms in the country.

Employment cases handled involve the most complicated legal and/or factual issues. Oftentimes, there is no clear precedent to guide the decision in the case and, in some instances, the precedential decisions are actually unfavorable, requiring the incumbent to articulate new theories of law. Cases are often those of first impression within the U.S. Air Force and the U.S. Government. Cases, if lost, could cause irreparable harm to the operations of HQ USTRANSCOM and organizations on Scott AFB and, correspondingly, the Air Force and the Department of Defense.

Factor 5 - Scope and Effect

The purpose of the work is to provide command and/or DOD personnel legal advice and guidance regarding transportation law, civil law, and fiscal law issues associated with the movement of personal property, passengers, and cargo in the DTS. The incumbent typically serves as the expert and advisor in the assigned legal area; evaluates new developments in the law or regulations for application and/or impact on a multitude of transportation programs; drafts and advocates legislative and regulatory initiatives designed to improve the efficiency and effectiveness of the DTS; provides staff legal guidance and direction to TCCs or to other commands/agencies of the DOD; and supports litigation efforts on behalf of the command. The results of the work affect major aspects of the command's mission as a single manager for DOD transportation.

Employment cases handled may be of an extremely delicate nature where the clumsy or improper representation of the Air Force's position could result in unfavorable publicity, notoriety, or attention by the public, press or other government bodies, or have a significant negative impact on program that is of vital interest to the organization, command, or Air Force. Cases handled include those brought by individual employees and those brought by employee organizations or others in behalf of groups or classes of employees. The monetary amounts involved in individual cases may range to \$300,000 in addition to back pay and attorney's fees, and well beyond that figure in group or class complaints or grievances.

Factor 6 - Personal Contacts

In addition to daily contacts within USTRANSCOM and its component commands, the incumbent has frequent and routine contacts with attorneys and senior-policy making personnel from other government agencies, congressional staffs, foreign governments, the Office of Secretary of Defense (OSD), the military services, Combatant Commands, Joint Staff, other Defense agencies, and commercial transportation industry. Briefings are frequently prepared and given to flag officers and senior government and foreign personnel. Contacts include representing the command and/or DOD at meetings with allied military counterparts and before international organizations such as the International Civil Aviation Organization, and may involve diplomats, congressional representatives, staffers, and political appointees.

With respect to employment cases the nature of the opposition faced by the incumbent in these proceedings includes non-attorney union stewards, local attorneys with considerable expertise in the field of federal employment law, attorneys representing federal enforcement agencies (e.g., FLRA), and often times attorneys of national renown in the field of federal employment law.

Factor 7 - Purpose of Contacts

Contacts are to exchange information; advocate positions for the command and/or DOD; formulate, revise and refine policies and procedures; negotiate agreements; and resolve disputes. The incumbent consults with experts in related areas of law to maintain expertise in transportation and international law. The incumbent arbitrates formally and informally between various groups for coherent policies and procedures impacting all aspects of the DTS. Contacts are to provide opportunities for the incumbent to influence and motivate others, including those in industry, U.S. and foreign governments, and DOD, to accept changes required for DTS improvement.

With respect to employment issues, contacts are to exchange information, advocate positions for the command on all employment-related litigation. This will include contact with Federal judges, administrative law judges, and attorneys of national renown in the field of federal employment law.

Factor 8 - Physical Demands

The work is generally of a sedentary nature. Short periods of walking, carrying of light office items such as folders, books, briefing papers is required to attend meetings or attend to other office business.

Factor 9 - Work Environment

Work is performed in a typical office setting. There is noise from office equipment such as computers and telephones.

CLASSIFICATION STANDARD(S) USED: OPM, PCS for General Attorney Series, GS-905, dtd Oct 59

CLASSIFICATION REMARKS: Type III, Level D

DATE: 15 January 2002

AIR FORCE CORE PERSONNEL DOCUMENT

ORGANIZATION: USTRANSCOM/TCJA PD NUMBER: 9S42717
 SUPV LEVEL CODE: 5 COMP LEVEL CODE: ~~U60A~~
 TARGET GRADE: ~~13~~ VA-02 FLSA: Exempt
 DRUG TEST: 1 CAREER FIELD ID: J
 SENSITIVITY: Noncritical-Sensitive CENTRALLY MANAGED TYPE: N/A
 EMERGENCY ESS: N/A BUS: 8888
 KEY POSITION: N/A POSITION HIST: Replaced PD 9S41980

CLASSIFICATION: ATTORNEY-ADVISOR, (General), GS-905-13 *(Transportation) (General)* VA-905-02
 DUTY TITLE: *10/19/06* *BT 10/19/06*

ORG & FUNC CODE: JAY Judge Advocate - Miscellaneous
 1ST SKILL CODE: 60% CDP3GE Attorney - Advisor/General
 2ND SKILL CODE: 40% CDPTGM Attorney - Advisor/Contract

CLASSIFIED BY:

Carol A. Walker
 CLASSIFIER SIGNATURE

3-25-05
 DATE

SUPERVISORS CERTIFICATION:

I certify that this Core Personnel Document is an accurate statement of the major duties, knowledge, skills, and abilities, responsibilities, physical and performance requirements of this position and its organizational relationships. The position is necessary to carry out government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

SUPERVISOR:

Larry W. Thall
 SUPERVISOR SIGNATURE

3-25-2005
 DATE

CERTIFICATION:

Rater/Supv.				
Date				
Reviewer				
Date				
Employee*				
Date				

*Signature acknowledges receipt. It does not indicate agreement/disagreement.

AF Form 1003 APR 90 (COMPUTER GENERATED)

BUS CODE: Position is exempt from the
 bargaining unit IAW 5 USC, Chapter 71, para
 7112(b)(1)- MANAGEMENT OFFICIAL
04 7/21/06

NSPS-
 IAW DOD 1400.25M (4-28-06):
 Employee's performance plan in this PD is superseded by
 NSPS guidelines, and is documented on DOD form 2906
webb 10/15/06

major transportation, logistics or IT industries. Cases involve multi-million dollar contracts and multi-billion dollar budgets; and involve program and fiscal reclaims to Congress for both USTRANSCOM and the Defense Transportation System. Other information technology issues are politically sensitive, arousing congressional concern, inquiry, scrutiny, and/or other action. Helps develop Command policy and procedures associated with oversight of information systems operations and protection responsibilities granted to USTRANSCOM, as well as litigation oversight of Information Law cases impacting the DTS. Prepares Memoranda of Understanding (MOU) with the Services to obtain integration and support of DTS information systems. Provides training for the USTRANSCOM staff on Information Law issues. Interacts with representatives of the Office of Management and Budget (OMB), the Department of Justice (DOJ), the Department of Commerce (DOC), the U.S. Patent & Trademark Office, the National Institute of Standards and Technology (NIST), the Defense Information Services Agency (DISA), other Department of Defense (DoD) entities, commercial industry (IT, transportation, logistics, etc.), Congressional staffers, and court/board personnel to maintain expertise, gather facts, make recommendations or negotiate for successful results on all Information Law issues within constraints specified by supervisors and command objectives. Responsible for legal issues related to intelligence oversight, including the collection, maintenance and distribution of law enforcement, threat and force protection information to and from industry partners.

STANDARDS:

- A. Frequently provides expert written and oral legal advice, as well as sound counsel and support, on extremely difficult, complex and urgent Information Law issues impacting the command and its components, which is almost always thorough and seldom requires supervisory correction.
- B. Regularly conducts complete and independent review of the facts and applicable legal precedents, if any, related to Information Law issues.
- C. Routinely consults with experts in related areas of law to maintain expertise in this fast changing field.
- D. Usually prepares training materials, and in most cases, presents training to USTRANSCOM staff elements on Information Law (including intellectual property issues), FOIA, E-FOIA, records management, electronic commerce and IT acquisition/management/use issues.

KSA: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10

DUTY 2:**10%****Critical**

Provides legal advice and counsel in the emerging areas of intelligence operations law, information operations law, and computer network operations law. Advises the Command on compliance of intelligence operations related to transportation, distribution, force protection and information sharing with industry partners with national law. Interprets changes in political and legal aspects of the "information dimension" areas of public diplomacy, international public information, and DoD/federal agency public affairs to assist the Command in its information operations. Renders opinions on emerging forms of information and computer network operations. Advises on legal requirements applicable to computer network defense and computer network attack activities.

STANDARDS:

- A. Almost always provides appropriate, timely and independent recommendations to ensure compliance by the Command and its components with intelligence operations law, information operations law, and computer network operations law.
- B. Routinely drafts, reviews, analyzes, and comments on proposed legislation, new or revised regulations, manuals, policies, and other materials in a timely manner.
- C. Accurately identifies precedents or viewpoints which should/could be incorporated into current approaches.

DATE: August 1996

Assists in developing office procedures to conduct the work of the office, including matters related to office funds, office resources, office personnel, and office work products. Recommends law library acquisitions; reviews government contracts, legal assistance and other documents for legal sufficiency. Reviews proposed correspondence, including replies to congressional inquiries, commercial contractors, other Federal agencies, and DOD components. Evaluates information for accuracy, adequacy, and consistency with command position, and coordinates, conditionally or unconditionally. Identifies where deficiencies exist, indicates specific nature of problems, and develops/improves office procedures/practices or provides recommended approaches or additional information to remedy.

STANDARDS:

A. Generally ensures office functions are responsive to recommendation within the administrative official duties. Develops and/or revises office procedures and makes recommendations on policies/inquiries that are usually consistent with the command's position.

B. Applies procedures and directives to fulfill delegated authority ensuring effective management and efficient usage of authority.

C. Almost always performs, in a timely and constructive manner, legal functions necessary for the conduct of a responsive legal office.

KSA: 1, 2, 3, 4, 10

Other significant facts pertaining to this position are:

May be required to travel by scheduled passenger military or commercial aircraft in the performance of temporary duty assignments.

Position may be subject to recall, irregular or uncommon tour of duty, overtime, and/or mission-essential assignments.

Subject to conflict of interest laws and regulations; employee must complete and submit SF450.

RECRUITMENT KNOWLEDGES, SKILLS, AND ABILITIES (KSA)

1. A law degree from an accredited law school and membership in good standing in a state or District of Columbia bar. Knowledge of theories, principles, and techniques of legal research, familiarity with legal resource materials, and proficiency in the use of such knowledge.
2. Expert knowledge of local and DOD directives and Federal Law applicable to electronic commerce, information security/confidentiality, information technology, intellectual property, information management (FOIA, Privacy Act, records management), acquisition, program management, intelligence law, information operations, computer network operations, and fiscal law.
3. Expert knowledge of IT management policies, concepts, principles and methodology.
4. Expert knowledge of court, board, and administrative tribunal procedures to enable the command to meet court dates, suspenses, and prepare for such litigation, to include depositions, discovery requests, requests for admissions and similar motions.
5. Knowledge of organizational missions, objectives, procedures and regulatory framework of programs within which DOD, other federal agencies, and industry operate. Knowledge of the DTS and the DOD logistics system,

DATE: August 1996

Ability to conduct legal research in an effective and timely manner to provide accurate statutory and case law precedents for consideration by decision makers.

Expert knowledge of the Federal Acquisition Regulation, DOD implementing regulations and statutory guidance relative to the procurement of goods and services for the Command and the management of Command acquisition programs.

Factor 2, Supervisory Controls:

Works under the general supervision of the Chief, Acquisition and Information Law, who assigns general program functions for which employee has responsibility. At the time an assignment is made, the supervisor may discuss the significance of the problem and provide some background information. The employee works independently, exercising judgment and determining required resources and approaches. The incumbent is delegated broad responsibility and authority to make broad ranging decisions. Performance is evaluated in terms of overall effectiveness, success in achieving goals under assigned responsibilities, and contribution to the accomplishment of the command mission. Incumbent is expected to engage in trial advocacy and render legal advisory opinions to a variety of clients without supervision, subject to the overall policy declarations of the law office. Duties are performed on own initiative with the responsibility to resolve problems in a manner that does not infringe upon DOD, Joint Staff, or USTRANSCOM policies or commitments.

Factor 3, Guidelines

Principle guidelines regularly used in the work include Public Law, international conventions, rulings of regulatory agencies, Executive Branch guidelines and policy, DOD and Joint directives and publications, multi-service and service regulations and command regulations and guidelines concerning acquisition, program management, fiscal compliance, information security/confidentiality, information management (FOIA, Privacy Act, records management), intelligence operations, information operations, computer network operations, management and use of information technology, electronic commerce and intellectual property rights associated with the Defense Transportation System, the DoD logistics/supply system, and the Command's overall mission. Guidelines provide a general outline of the program goals and objectives, but they do not detail the methods used to perform or complete work assignments. In addition, guidelines often may not be current with cutting edge technology, business practices created in a dynamic marketplace, or new precedent.

Factor 4, Complexity

The work requires an extremely broad working knowledge of a variety of related legal disciplines, including information technology, electronic commerce, acquisition, fiscal, information security/confidentiality, and intellectual property. Information technology and electronic commerce are expanding at an explosive rate. New issues arise practically every day, requiring new decisions without the benefit of established precedent. In addition, the emerging practice areas of intelligence law, information operations law, and computer network operations law are gaining immediate importance. As legislators and regulators struggle to keep pace with rapid changes in technology, business practices, and new uses for the computer, legal opinions and practices in this area require creativity and have a wider impact than actions in more settled areas of the law. In addition, the acquisition/management/use of information technology is becoming a growing piece of the economic pie, attracting an even larger share of the federal budget and of interest by IT contractors. (IT and IT services easily account for the largest expenditures by USTRANSCOM through contracts.) The acquisition of one generation of IT is barely completed before the next generation is being developed and marketed. This complex, quickly changing, environment heightens Congressional and taxpayer sensitivity to proper acquisition and management of IT and increases the importance assigned to proper legal/contractual protection of the public interest. Electronic commerce also raises the stakes involved in providing a secure electronic environment in which to conduct the defense of the country, while adapting older information laws (FOIA/Privacy Act) to the electronic age.

The work requires a working knowledge of common user transportation acquisition law, program management law, and the ability to research legal issues in such sources as the Federal Acquisition Regulation (FAR), the Defense

DATE: August 1996

The work is generally of a sedentary nature. Short periods of walking, carrying of light office items such as folders, books, briefing papers is required to attend meetings or attend to other office business. Depending on world events, employee may be asked to be available for infrequent legal inquiries during off-duty hours on a rotating basis. The work has deadlines imposed by real world events.

Factor 9, Work Environment

Work is performed in a typical office setting. There is noise from office equipment such as computers and telephones. A security clearance is required for the position and security measures are required daily to protect information, equipment, and personnel.

CLASSIFICATION STANDARD(S) USED: OPM, PCS for General Attorney Series, GS-905, dtd Oct 59

CLASSIFICATION REMARKS: Type III, Level C

95-93210

CIVILIAN PERSONNEL POSITION DESCRIPTION						1. NUMBER OF IA'S		2. POSITION NUMBER SF3936000					
3. ORGANIZATION U. S. Transportation Command Office of Chief Counsel Scott AFB, IL 62225-5357				4. POSITION TITLE <i>Supv. Attorney-Advisor (Contract) (Transportation)</i>									
				5. CLASSIFICATION <i>YA-905-03</i> GM-905-15		6. CLASSIFIED BY <i>Vickie J. Sensiba</i>		7. DATE <i>22/Mar/93</i>					
<p>8. DUTIES AND RESPONSIBILITIES (Indicate time percentages, where required) (Questions concerning the classification of your position should be asked of your supervisor. You may see, upon request, classification standards and guides used in classifying your job. Appeal rights and procedures are explained in Federal Personnel Manual, Chapter 511, Subchapter 6 and AFR 40-512.)</p> <p>I. INTRODUCTION: The primary purpose of this position is to serve as a consultant on acquisition, procurement, and dispute resolution law matters for the command. The work requires providing precedent-setting legal advice on extremely difficult and complex legal issues affecting the Defense transportation acquisition process, and assisting the Chief Counsel and Legal Advisor in the management and oversight of law services provided within USTRANSCOM. Cases regularly involve multi-million dollar contracts; potentially impact major transportation industries; and/or are politically sensitive, arousing congressional concern, inquiry, scrutiny, and/or other action.</p> <p>II. DUTIES & RESPONSIBILITIES:</p> <ul style="list-style-type: none"> - Provides acquisition law advice and support to the chairman of the Transportation Committee of the Defense Acquisition Regulatory (DAR) Council. Develops command position on significant policy issues and prepares supporting documentation. Defends command position before council. Negotiates with high ranking officials within the Department of Transportation and its agencies, e.g., Maritime Administration, Federal Aviation Administration, to reach agreement on policies and approaches having a significant effect on both government and industry concerns. Prepares and delivers congressional testimony. - Develops and/or revises policies, procedures and practices for adoption by the command and its components. Considers how best to meet command mission needs, while remaining within the bounds of statutory, regulatory, and decisional law. Initiates publications and changes to publications. Explains significant changes, and seeks to maximize acceptance among command components. As appropriate, proposes new requirements and/or revisions for department-wide adoption; fully explains ramifications and negotiates for acceptance. <div style="text-align: right; margin-top: 10px;"> <i>Attorney (Contract) YA-905-03</i> NSPS- IAW DOD 1400.25M (4-28-06): <i>effective 10-15-06</i> Employee's performance plan in this PD is superseded by NSPS guidelines, and is documented on DOD form 2906 </div>													
GENERAL SKILL		1ST SKILL											
		%	SKILL	SHRED	SUB	%	SKILL	SHRED	SUB	%	SKILL	SHRED	SUB
I A Y			O O C D P T M G										
<p>9. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.</p>										<p>11. POSITION SENSITIVITY</p> <p><input type="checkbox"/> NONSENSITIVE</p> <p><input type="checkbox"/> NONCRITICAL-SENSITIVE</p> <p><input checked="" type="checkbox"/> CRITICAL-SENSITIVE</p>		<p>12. FLSA OVERTIME</p> <p><input checked="" type="checkbox"/> EXEMPT</p> <p><input type="checkbox"/> NON-EXEMPT</p>	
<p>SIGNATURE AND TITLE OF IMMEDIATE SUPERVISOR</p> <p><i>Thomas L. Hemmingsway</i> THOMAS L. HEMMINGWAY, Brig Gen, USAF Chief Counsel</p>				<p>DATE</p> <p>19Mar93</p>		<p>10. BUS CODE: Position is exempt from the bargaining unit IAW 5 USC, Chapter 71, para 7112(b)(1)- MANAGEMENT OFFICIAL</p>							

Bm 7/31/06

- Provides expert advice and guidance on difficult, complex, and urgent questions presented by the command and its components. Conducts complete and independent review of written memoranda of law and administrative proceedings. Analyzes and evaluates full scope of issues related the question, considering any precedent-setting potential. Writes legal opinions. Recognizes situations having potential for disruption, embarrassment, and erosion of public confidence; takes/recommends specific action to defuse such situations. Prepares reports and briefings as required.

- Reviews, analyzes and comments on proposed legislation, new or revised regulations, manuals and other materials. Evaluates in terms of foreseeable effect on agency acquisition programs, policies, procedures, methods of operation, and case law. Develops and proposes modifications which are responsive to facilitating the USTRANSCOM mission; identifies issues or changes which may require alteration in command operating policies or procedures. Reads speeches, Law Review articles, Inspector General reports, case law, and other materials which may have a bearing on command acquisition and procurement activities. Identifies precedents or viewpoints which should/could be incorporated into current approaches.

- Sits on committees and working groups. Participates in inter- and intra-agency discussions forming the basis for policy decisions, proposed legislation, regulations and similar matters; ensures that command needs and views are adequately voiced and considered.

- Reviews proposed correspondence, including replies to congressional inquiries, commercial contractors, other Federal agencies, and DoD components. Evaluates information for accuracy, adequacy, and consistency with command position on matter at hand; coordinates, conditionally or unconditionally, or refuses coordination. Where deficiencies exist, indicates specific nature of problems and provides recommended approaches or additional information to remedy.

- Consults on legal matters in fields of law related to procurement and acquisition, e.g., labor, tax, corporation, environmental, etc. Reviews documents on such matters to ensure that they meet requirements for legal sufficiency and that there is no conflict with command's position in terms of procurement and acquisition. Collaborates with attorneys in these related areas on matters of mutual interest.

- As necessary, performs legal functions necessary to the smooth functioning of the office. Assists in developing office procedures; recommends law library acquisitions; reviews contracts and other documents for legal sufficiency and adequacy.

III. SUPERVISORY CONTROLS: Works under the general supervision of the Chief Counsel and the Legal Advisor who assign general program functions for which employee has responsibility. At the time an assignment is made, the supervisor may discuss the significance of the problem and provide some background information. The employee then works independently, exercising judgment and determining required resources and approaches. The employee represents and speaks for the

command in conferences, policy-development task forces, and other similar forums. Completed work dealing with major policy or programmatic issues is reviewed for consistency with agency policy, for possible precedent effect, and for overall effectiveness.

IV. OTHER SIGNIFICANT FACTS:

May be required to travel by scheduled passenger military or commercial aircraft in the performance of temporary duty assignments.

Position may be subject to recall, irregular or uncommon tour of duty, overtime, and/or mission-essential assignments.

Subject to conflict of interest laws and regulations; employee must complete and submit SF450.

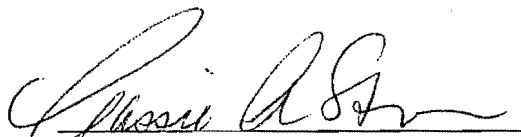
4595210
Addendum to Position #9S3936000
Supervisory Attorney (Transportation/Contract)

Position description is amended to add the following supervisory duties:

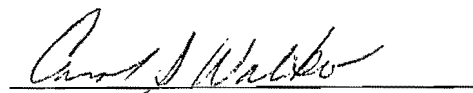
Promotes a work environment that allows personnel the opportunity to understand expectations/accept criticism positively/excel. Meets HR performance management/recognition/development milestones. Maintains working knowledge of subordinate areas of expertise to provide effective supervision. Periodically, sets branch goals after receiving subordinate input; documents communication of job objectives, provides regular feedback on performance; recommends ratings/shares based on performance; and addresses performance issues of employees. Keeps supervisors apprised of division activities and support Directorate goals.

Exercises supervisory personnel management responsibilities. Selects or recommends selection of candidates for vacancies, promotions, details, and reassignments in consideration of skills and qualifications, mission requirements, and EEO and diversity objectives. Develops, modifies, and/or interprets performance standards. Explains performance expectations to employees and provides regular feedback on strengths and weaknesses. Appraises subordinate workers performance ensuring consistency and equity in rating techniques. Recommends awards when appropriate and approves within-grade increases. Promotes an environment in which employees are empowered to participate in and contribute to effective mission accomplishment.

Recognizes and takes action to correct situations posing a threat to the health or safety of subordinates. Provides a work environment that is free from all forms of discrimination, harassment, and retaliation. Addresses subordinate's concerns, whether perceived or real, and follows up with appropriate action to correct or eliminate tension in the workplace. Supports the agency's EEO program.


Supervisor's signature

22 Mar 07
Date


Classifier's signature

4 Apr 07
Date

CIVILIAN PERSONNEL POSITION DESCRIPTION		1. NUMBER OF IA'S	2. POSITION NUMBER SF4087800
3. ORGANIZATION USTRANSCOM Chief Counsel (TCJA) 18 Scott Drive Scott AFB, IL 62225-5357		4. POSITION TITLE Attorney-Adviser (General) <i>Supv. Attorney (Contract) (General/Transportation)</i>	
5. CLASSIFICATION YA-905-03 GS-905-F5		6. CLASSIFIED BY <i>M. Muhelle-Bulford</i>	7. DATE 8-31-95

8. DUTIES AND RESPONSIBILITIES (Indicate time percentages, where required) (Questions concerning the classification of your position should be asked of your supervisor. You may see, upon request, classification standards and guides used in classifying your job. Appeal rights and procedures are explained in Federal Personnel Manual, Chapter 511, Subchapter 6 and AFR 40-512.)

See Attachment.

NSPS-
IAW DOD 1400.25M (4-28-06): *effective 10-15-06*
Employee's performance plan in this PD is superseded by
NSPS guidelines, and is documented on DOD form 2906 *ew*

Blw - JSS8

GENERAL SKILL	1ST SKILL				2D SKILL				3D SKILL		
	%	SKILL	SHRED	SUB	%	SKILL	SHRED	SUB	SKILL	SHRED	SUB
J A Y 00 CDP 3 GE											

9. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

11. POSITION SENSITIVITY	12. FLSA OVERTIME
NONSENSITIVE	
NONCRITICAL-SENSITIVE	<input checked="" type="checkbox"/> EXEMPT
<input checked="" type="checkbox"/> CRITICAL-SENSITIVE	<input type="checkbox"/> NON-EXEMPT

SIGNATURE AND TITLE OF IMMEDIATE SUPERVISOR <i>Thomas L. Hemingway</i> THOMAS L. HEMINGWAY, Brig Gen. Chief Counsel	DATE 24 May 19	10. DA SU CL
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BUS CODE: Position is exempt from the bargaining unit IAW 5 USC, Chapter 71, para 7112(b)(1)- MANAGEMENT OFFICIAL

CIVILIAN PERSONNEL POSITION DESCRIPTION

POSITION NUMBER - SF4087800

Attorney-Advisor (General) GS-905-15 (Classified __ Aug 95)

I. INTRODUCTION: The primary purpose of this position is to serve as a consultant on fiscal and civil law matters for the command. The work requires providing potentially precedent-setting legal advice on extremely difficult and complex legal issues in the areas of civil law, fiscal law and policy, international law, environmental law, insurance and tax law, personnel law, contracts, standards of conduct, financial reporting, ethics in government and post employment restrictions. The employee also assists the Chief Counsel and Legal Advisor in the management and oversight of law services provided within USTRANSCOM. Cases regularly involve precedent-setting issues involving new or changed legislation or regulations; potentially impact major transportation industries; involve multi-million dollar contracts; billion dollar war-risk insurance policies; and multi-billion dollar budgets; program and fiscal reclaims to Congress for both USTRANSCOM and the Defense Transportation System; and other fiscal issues; and/or are politically sensitive, arousing congressional concern, inquiry, scrutiny, and/or other action.

II. DUTIES & RESPONSIBILITIES:

- Provides civil and fiscal law advice and support to the command. Develops command position on significant policy issues and prepares supporting documentation. Defends commands position in appropriate forums. Negotiates with high ranking officials within the Department of Defense, Department of Transportation and its agencies, e.g. Intermodal Administration, Federal Aviation Administration, etc., Office of Management and Budget, Department of Energy, and Department of State to reach agreement on policies and approaches having significant effect on both government and industry concerns. Prepares, negotiates and reviews international agreements with allied armed forces and command to command arrangements having the potential to impact the Defense Transportation System. Reviews proposed command actions for compliance with the multitude of environmental protection statutes and regulations. Prepares and delivers congressional testimony if required.
- Drafts, reviews, analyzes and comments on proposed legislation, new or revised regulations, manuals and other materials. Evaluates in terms of foreseeable effect on fiscal and civil law programs, policies, procedures, methods of operation, and case law. Develops and proposes modifications which are responsive to facilitating the USTRANSCOM mission; identifies issues or changes which may require alteration in command operating policies or procedures. Reads speeches, Law Review articles, Inspector General reports, case law, and other materials which may have a bearing on command activities. Identifies precedents or viewpoints which should/could be incorporated into current approaches.
- Acts as the principal attorney for USTRANSCOM cases being prepared and presented before administrative tribunals. Establishes strategy, evaluates relevant policy and precedent, assures appropriate documentary evidence.

- Serves as the command expert on ethics in government, standards of conduct, financial reporting, and post employment restrictions for personnel. Supervises the command ethics program, conducting training for assigned personnel as required. Assists the Chief Counsel in the preparation of statutorily authorized ethics opinions requested by assigned and former USTRANSCOM personnel.
- Develops and/or revises policies, procedures and practices for adoption by the command and its components. Considers how best to meet command mission needs, while remaining within the bounds of statutory, regulatory, and decisional law. Initiates publications and changes to publications. Explains significant changes, and seeks to maximize acceptance among command components. As appropriate, proposes new requirements and/or revisions for department-wide adoption; fully explains ramifications and negotiates for acceptance.
- Provides expert advice and guidance on difficult, complex, and urgent questions presented by the command and its components. Conducts complete and independent review of written memoranda of law and administrative proceedings. Analyzes and evaluates full scope of issues related the question, considering any precedent-setting potential. Writes legal opinions. Recognizes situations having potential for disruption, embarrassment, and erosion of public confidence; takes/recommends specific action to defuse such situations. Prepares reports and briefings as required.
- Sits on committees and working groups. Participates in inter- and intra-agency discussions forming the basis for policy decisions, proposed legislation, regulations and similar matters; ensures that command needs and views are adequately voiced and considered.
- Reviews proposed correspondence, including replies to congressional inquiries, commercial contractors, other Federal agencies, and DOD components. Evaluates information for accuracy, adequacy, and consistency with command position on matter at hand; coordinates, conditionally or unconditionally, or refuses coordination. Where deficiencies exist, indicates specific nature of problems and provides recommended approaches or additional information to remedy.
- As necessary, performs legal functions necessary to the smooth functioning of the office. Assists in developing office procedures; recommends law library acquisitions; reviews government contracts, legal assistance and other documents for legal sufficiency.

III. SUPERVISORY CONTROLS: Works under the general supervision of the Chief Counsel and the Legal Advisor who assign general program functions for which employee has responsibility. At the time an assignment is made, the supervisor may discuss the significance of the problem and provide some background information. The employee works independently, exercising judgment and determining required resources and approaches. The employee represents and speaks for the command in conferences, policy-development task forces, and other similar forums. Complete work dealing with major policy or programmatic issues is

reviewed for consistency with agency policy, for possible precedent effect, and for overall effectiveness.

IV. OTHER SIGNIFICANT FACTS:

May be required to travel by scheduled passenger military or commercial aircraft in the performance of temporary duty assignments. May be required to travel outside the U.S. to perform official functions.

Position may be subject to recall, irregular or uncommon tour of duty, overtime, and/or mission-essential assignments.

Subject to conflict of interest laws and regulations; employee must complete and submit SF450.

Evaluation Statement

EVALUATION: SF 4087800

1. Reference: US OPM PCS for General Attorney Series, GS-905, dated December 1968
2. Background: Management has requested that this position be audited and upgraded due to accretion of duties to the position. Position is currently classified as Attorney-Advisor (General), GS-905-14. Subject position is one of two non-supervisory attorney positions (one GS-15 (Contract) and one GS-14 (General)) under the supervision of the Legal Advisor (military). The Legal Advisor spends a substantial portion of time outside the office and does not supervise daily activity. The initial position description was written in 1993 based on assumptions as to workload and areas of responsibility likely to be encountered by the incumbent. Expansion of USTRANSCOM's role and that of the office of Chief Counsel have resulted in increased responsibilities for the incumbent. The description for this position was recently rewritten to reflect the duties and responsibilities currently assigned to and accomplished by the incumbent of this position. The description's accuracy has been verified by site audit and by supervisory certification.
3. Determination of Title and Series: Subject position continues to meet the criteria for inclusion in the GS-905 series, with a designated title of Attorney-Advisor (General). This position requires the services of a fully qualified attorney who can prepare for and supervise litigation representing the entire DOD in matters relating to proceedings before courts, boards and agency regulatory bodies relative to transportation and policy matters; for providing legal advice to the Single Manager for Transportation for DoD and providing legal expertise for DoD before Congressional hearings, drafting, reviewing and making substantive recommendations with respect to proposed legislation; drafting, negotiating, or examining contracts and agreements, domestic and international, required by the command's activities. "(General)" is used when two or more areas of law are involved. As the position requires the incumbent to provide authoritative advice in finance law, civil law, aeronautical law, insurance law, transportation law, environmental law, international law, contract law, ethics and labor law, the term "(General)" should be used.

CONCLUSION: This position is appropriately allocated to the Position Classification Series, GS-905.

4. Determination of Grade: There are two factors to be considered: (1) nature of the case or legal problem and (2) level of responsibility. There are three levels of intensity described for each of the two basic factors. Subject position has been evaluated by comparison with the GS-905 standard, as follows:

- a. Nature of the case or legal problem: Type III.

There are extremely complex and difficult legal questions or factual issues involved in the drafting, interpretation, or application of legislation, regulations, contracts, orders, decisions,

opinions, or other legal instruments associated with transportation which require for their solution a high order of original and creative legal endeavor in order to obtain a reasonable balance of conflicting interests. Problems involve, for example, drafting legislation to remedy an impediment to USTRANSCOM's mission (e.g. CRAF commercial access to military installations [passed 1994] and War-Risk Insurance Funding [pending before Congress]); coordinating the legislation in the command, among the services, at DoD level, and with other agencies such as the Department of Transportation (Federal Aviation Administration) and the Office of Management and Budget (OMB); negotiating and resolving issues with these agencies; and supporting DoD and JCS legislative liaison personnel in obtaining passage through the provision of papers, justifications, budget impact estimates, and direct contact with Congressional staffers to resolve issues they may have. As these transportation issues have worldwide impact and support all branches of the Armed Services during peacetime, mobilization, and national emergencies; incumbent must take into account mission requirements, transportation industry capabilities, domestic and international legal constraints, fiscal limitations, and public affairs perceptions so as not to create other problems in resolving the original impediment. Once legislation is enacted, further creativity is required in drafting and coordinating through the services the DoD directives necessary to implement the legislation to provide clear guidance to operational units in the field. Legislative activity of this type is a highly sensitive matter, involves very large sums of money, frequently in excess of a billion dollars, and generates high level interest of both civilian and governmental officials or groups. This exceeds the characteristics of Type II, and fully meets Type III, because:

(1) The facts frequently are difficult to pinpoint and initial interpretations, as well as occasional origination of rules and regulations is common because of the DoD Single Manager for Transportation responsibility;

(2) There are many conflicting interests, including national security, foreign government, United Nations/NATO, domestic government, and foreign and domestic business interests. The U.S. airline, ocean vessel/liner, railroad, and trucking industries constitute major portions of the U.S. mobilization industrial base and their financial, operational, and competitive positions are directly influenced by DoD transportation activities.

(3) Very large sums of money are involved - well in excess of the one million dollars typifying the Type III situation, (e.g. billion dollar legislative proposals, billion dollar war-risk liability insurance policies, and multimillion dollar USTRANSCOM budget proposals and reclamation.)

b. Level of responsibility -- Level E.

The nature of functions is comparable to two of the examples provided in the standard listed for level E. Although the USTRANSCOM Chief Counsel is the chief legal advisor on all USTRANSCOM legal affairs, he and his deputy, like the other directors on the USTRANSCOM staff, function primarily as supervisors of a variety of technical/professional specialists who are responsible experts in their assigned functional areas. The incumbent is so assigned and accountable and therefore equates to Responsibility Level E as follows:

(1) Drafts legislation

(a) Drafts legislation and prepares complete reports on changes in basic legislation to be proposed by USTRANSCOM. Receives proposed legislation from DoD and the Joint Staff for review and comment, and refers to organizations having jurisdictions over programs which would be affected by the proposed changes in law.

(b) Incumbent evaluates the proposed legislation in terms of its foreseeable effect on agency programs, policies, procedures, regulations, methods of operation, and extent of operation, and on existing legislation. This evaluation is based on an analysis of the comments of the USTRANSCOM staff, components, and field operating organizations, the incumbent's own program knowledge, his awareness of the legal implications of the proposed legislation, and his knowledge of related legislation.

(c) Incumbent performs similar functions with respect to the formulation and/or coordination of treaties or other international agreements, specifically Cooperative Military Airlift Agreements, the authority for which has been delegated to USTRANSCOM, and NATO Acquisition and Cross Servicing Agreements, which the incumbent must review if USTRANSCOM assets are to be tasked.

(d) Incumbent also performs similar functions with respect to the formulation and/or coordination of rules, regulations, or policies applicable to major programs of the agency to include the aviation and vessel war-risk insurance programs and the CRAF Commercial Access to Military Installations program

(2) Responsible legal counsel.

(a) Serves as responsible legal counsel on all Defense Business Operations Fund - Transportation (DBOF-T) fiscal matters.

(b) DBOF-T is the revolving fund for all common-user transportation for the Department of Defense, control of which is delegated to USTRANSCOM, and is a major operating program of USTRANSCOM.

(c) USTRANSCOM has been delegated and exercises the authority of Single Manager for all transportation for DoD. This constitutes "unusual authority or authority commonly of a higher echelon".

(d) Incumbent is responsible for advising on questions of law and administrative policy affecting operation of the DBOF-T and in its contacts with the services, DoD, other agencies such as the Department of State and the Department of Transportation, NATO and the UN, foreign countries, private and professional associations, and the transportation industries. Incumbent develops material which becomes USTRANSCOM's justification and basis for

reclamas to DoD on budgets and to Congress on authorizations, appropriations, responses to DoD/IG and GAO on alleged Anti-Deficiency Act violations, decisions on uses of Mobility Enhancement Funds, advice to DoD as to appropriate rates for reimbursement for transportation (e.g. for the UN, NATO staff and cargo, and humanitarian organizations), and the basis for litigation. Incumbent is designated to supervise and serve as house counsel for litigation involving USTRANSCOM.

(e) Incumbent commits the command and office to take or refrain from taking many types of actions. Some are in writing and go through the USTRANSCOM Chief Counsel or Legal Advisor, but many substantive fiscal legal questions must be and are resolved personally and directly by incumbent who has both commitment authority and responsibility.

(3) Supervision and guidance received by incumbent is very limited. Incumbent normally receives the problem or task from outside sources. Incumbent independently conducts his own investigation or negotiations, plans the approach, and develops the completed decision, report, brief, opinion, contract or other product; or represents USTRANSCOM at the conference, hearing or meeting. If the tasking is from the supervisor, the significance of the problem and any background information is normally provided. However, incumbent is expected to resolve the problem and back brief the supervisor; or if the impact of the solution is likely to be significant, the completed work will be provided to the Chief Counsel or Legal Advisor for review for consistency with agency policy, possible precedent effect, and for overall effectiveness. Incumbent is also expected to identify problems and, where warranted, propose legislative solutions for consideration by USCINCTRANS without being tasked. In many areas of law, incumbent is the only attorney with experience and/or training in the office (or DoD on aviation war-risk insurance) so incumbent's position on an issue will become the command's position.

(4) Personal work contacts are characterized by the most responsible personal contacts, examples of which include:

(a) Conferring or negotiating with top administrative personnel in DoD (e.g., ADUSD(TP), OSD/General Counsel's office, OJCJS/LA, SAF/GCP, SAF/AQKT, SAF/AQC, etc.), Department of State (international negotiations, environmental [Project Sapphire], and contracting personnel), Department of Transportation (Assistant Secretary of Transportation for International Aviation; Director, DOT Office of International Affairs [bilateral agreements and airline code-sharing], and all levels of FAA staff [airline insurance and public aircraft issues]), Office of Management and Budget (OMB - legislation); private business, to include the President of National Air Carrier's Association and the chief counsel for major air carriers (such as American Airlines); or foreign governments (e.g. Canada and UK on bilateral agreements for route authorizations for commercial aircraft, Korea on contingency airlift support) on important legal and policy questions.

(b) Advising and assisting congressional committees and their staffs in drafting legislation or giving expert testimony before congressional hearings on legislative proposals.

(c) Trying cases before courts or administrative bodies if required.

(d) Advocating the USTRANSCOM position against contrary positions taken by attorneys in the DoD and the military services' general counsel offices. Almost all such attorneys are GS-15 or SES, and as such are some of the most distinguished and highly paid legal talent in the government. Due to the importance of the issues, matching professional skills against these attorneys is required to preclude impairment of the USTRANSCOM mission.

Subject position is the only staff legal specialist on the USTRANSCOM staff charged with primary responsibility for financial law, civil law, labor law, environmental law, international law, insurance law, administrative law, and drafting legislation.

(5) Nature and scope of recommendations and decisions by incumbent are often given directly to heads of programs (e.g. FAA Manager of Aviation Activity Branch on DoD position on war-risk insurance policies and issues; TCJ8 as head of DBOF-T with oversight authority over the National Defense Sealift Fund; Office of the Chairman, Joint Chiefs of Staff's Legal Advisor on transportation law issues; ADUSD(TP)(Transportation Policy) on war-risk insurance and Fly America Act issues; DOT Director of International Affairs for DoD position on code-sharing applications; USCINCTRANS as DoD Single Manager for Transportation on fiscal issues, Civil Reserve Air Fleet, Cooperative Military Airlift Agreements [as sole approval authority for the United States under title 10, United States Code section 2350c]; NATO Acquisition and Cross Servicing Agreements [10 U.S.C. 2342] involving transportation assets; and legislative issues). As indicated above, in some instances recommendations are made through the Chief Counsel or Legal Advisor but these recommendations are routinely tantamount to final decisions (e.g. changes or riders to CRAF insurance policies or DBOF fiscal issues). Incumbent is responsible for recognizing when the matter must be cleared with Chief Counsel or Legal Advisor prior to release.

Grade Summary: Type III, Level E equates to GS-15.

5. Final Determination: Attorney-Advisor (General), GS-905-15.

Michelle Brefeld 8-31-95
Michelle Brefeld (aka: Potter)
Position Class Specialist

MEMORANDUM FOR TCJ1


24 May 1995

FROM: TCJA

SUBJECT: Reclassification of Attorney Position SF3936100

1. For your consideration is attached a copy of a revised position description for attorney position SF3936100 (Attorney-General). When that position was created in 1993, the TCJA office, as well as the mission of USTRANSCOM, were expanding and the actual scope of what would be expected of the incumbent of the position was somewhat uncertain at the time. As the office has become fully staffed, the position has evolved a little differently from what was originally envisioned. Not covered in the original PD were transportation insurance, environmental, international law responsibilities and backup responsibilities for the GS-15 contracts attorney. Also not contemplated was a requirement for the incumbent to negotiate with high level officials at OMB (funding legislation), FAA and DOT(aviation insurance and bilateral agreements impacting the Fly America Act), DOE and DOS (project Sapphire bring Highly Enriched Uranium back from republics of the former USSR), and DoD level personnel (reinvention lab/ comptroller/ transportation, etc.). The incumbent is routinely required to attend O-6 level meetings and is expected to perform his duties in an identical fashion to the other civilian attorney.

2. The attached draft PD reflects what is currently expected of the incumbent of the position. Based on the other attorney position, it appears likely that it will grade out as a GS-15. That would bring the position in line with what is actually being accomplished by the incumbent. It would also assist this office in completing its assigned mission. Recent agreement with the Office of the Legal Counsel for the Chairman of the Joint Chief of Staff will expand the USTRANSCOM role in the negotiating of acquisition and cross servicing agreements with allied countries under the NATO Mutual Support Act. The incumbent has the subject matter expertise, however, the level of negotiations would normally require an O-6 or a GS-15. The responsibilities of USTRANSCOM are continuing to expand, and with only four attorneys, each needs to be able to assume responsibility for large areas of the law and negotiate on a senior level with other agencies if we are to meet our DTS 2010 goals. The incumbent has already stepped up to the challenge, and we need an accurate PD.


THOMAS L. HEMINGWAY
Brigadier General, USAF
Chief Counsel

Attachment:
Draft PD

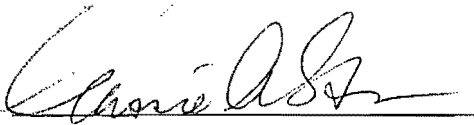
Addendum to Position #9S4087800 95209
Supervisory Attorney (Transportation/General)

Position description is amended to add the following supervisory duties:

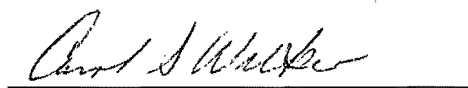
Promotes a work environment that allows personnel the opportunity to understand expectations/accept criticism positively/excel. Meets HR performance management/recognition/development milestones. Maintains working knowledge of subordinate areas of expertise to provide effective supervision. Periodically, sets branch goals after receiving subordinate input; documents communication of job objectives, provides regular feedback on performance; recommends ratings/shares based on performance; and addresses performance issues of employees. Keeps supervisors apprised of division activities and support Directorate goals.

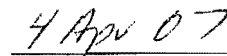
Exercises supervisory personnel management responsibilities. Selects or recommends selection of candidates for vacancies, promotions, details, and reassignments in consideration of skills and qualifications, mission requirements, and EEO and diversity objectives. Develops, modifies, and/or interprets performance standards. Explains performance expectations to employees and provides regular feedback on strengths and weaknesses. Appraises subordinate workers performance ensuring consistency and equity in rating techniques. Recommends awards when appropriate and approves within-grade increases. Promotes an environment in which employees are empowered to participate in and contribute to effective mission accomplishment.

Recognizes and takes action to correct situations posing a threat to the health or safety of subordinates. Provides a work environment that is free from all forms of discrimination, harassment, and retaliation. Addresses subordinate's concerns, whether perceived or real, and follows up with appropriate action to correct or eliminate tension in the workplace. Supports the agency's EEO program.


Supervisor's signature


Date


Classifier's signature


Date

AIR FORCE CORE PERSONNEL DOCUMENT

ORGANIZATION: USTRANSCOM/TCJA CPD NUMBER: 9S42750
 SUPV LEV CODE: -5- COMP LEV CODE: U62A
 TARGET GRADE: 14 FLSA: EXEMPT
 JOB SHARE: No CAREER PROG ID: N/A
 SENSITIVITY: Non -Critical Sensitive BUS: 8888
 EMERGENCY ESS: No DRUG TEST: No
 KEY POSITION: No POSITION HIST: New

CLASSIFICATION: ATTORNEY-ADVISOR, (Contract), GS-905-14
 DUTY TITLE:

ORG & FUNC CODE: JAY
 1ST SKILL CODE: 100 % CDPTMG Attorney-Advisor/Contract
 2ND SKILL CODE: %

CLASSIFIED BY:

Bub Jenkins

CLASSIFIER SIGNATURE

10 Jan 05
DATE

SUPERVISORS CERTIFICATION:

I certify that this Core Personnel Document is an accurate statement of the major duties, knowledge, skills, and abilities, responsibilities, physical and performance requirements of this position and its organizational relationships. The position is necessary to carry out government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

SUPERVISOR:

Larry W. Mohr

SUPERVISOR SIGNATURE

3-15-05

DATE

CERTIFICATION:

R a t e r / S u p v .				
D a t e				
R e v i e w e r				
D a t e				
E m p l o y e e *				
D a t e				

*Signature acknowledges receipt. It does not indicate agreement/disagreement.

PURPOSE OF POSITION AND ORGANIZATIONAL LOCATION:

The primary purpose of this position is: To serve as a senior acquisition law attorney in the Office of Chief Counsel working for the Chief of Acquisition and Information Law. The primary purpose of the position is to provide legal advice and counsel in support of USTRANSCOM acquisitions and USTRANSCOM programs implemented through contract authority delegated to USTRANSCOM. These acquisitions and programs cover the entire range of the Command's mission, including responsibility for DoD's end-to-end distribution and deployment process, responsibility for the Defense Transportation System (DTS), and responsibility for the portfolio of information management systems supporting the distribution and deployment process. Because many of these responsibilities are new and are on the cutting edge of technological and organizational change, this position will provide precedent-setting legal advice with impact on those DoD Components, and their commercial partners, engaged in the DoD distribution and deployment process. In many instances, the work of this position will require coordination/negotiation with officials of those other DoD Components and their commercial partners. The success of USTRANSCOM acquisitions and programs should streamline DoD processes, generate major monetary savings, improve efficiency and effectiveness, and enhance the reliability of DoD distribution and deployment systems in peace and war. The purpose of this position is to provide legal support to these key USTRANSCOM acquisitions and programs.

The organizational location of this position is: United States Transportation Command, Office of Chief Counsel (TCJA), Acquisition and Information Law Branch, Scott AFB IL.

ORGANIZATIONAL GOALS OR OBJECTIVES:

The organizational goals or objectives of this position are: To support the Chief Counsel, U.S. Transportation Command (USTRANSCOM) in carrying out responsibility as the legal advisor to the Commander, the staff, and subordinate units. USTRANSCOM is the single manager of DoD common user transportation, the Distribution Process Owner (DPO), and a key manager of DoD's end-to-end distribution and deployment system. In support of the Command, the objectives of the Office of Chief Counsel are to be a source of legal expertise for all of the DoD; to maintain effective liaison with OSD, the DoD Components, other federal agencies, allies, other levels of government, and commercial partners; and to provide timely, accurate and relevant legal advice and counsel. The objective of this position is to perform the responsibilities of the Chief Counsel in the areas of acquisition, program management, advocacy, and other assigned duties of the Acquisition and Information Law Branch.

DUTY 1:**50%****Critical**

Provides legal advice and business counsel to the contracting officer, the head of contracting activity (HCA), and other USTRANSCOM personnel involved in any stage of the contracting cycle. Assists requirements personnel in drafting requirements documents, serves on acquisition strategy panels, reviews acquisition plans, drafts solicitation and contract provisions, assists in the evaluation of offers and proposals, reviews source selection plans, prepares/reviews proposed determinations and findings, provides legal clearance for contract actions, reviews modifications and supplemental agreements, provides advice on contract administration (payment, performance) issues, reviews contractor claims and disputes, reviews contracting officer final decisions, reviews termination actions, and supports contract close out. Interprets and applies fiscal laws and policies governing direct appropriations, revolving funds, and any funding mechanism for the acquisition of supplies, services, construction, research and development, etc. using a contract, tender, cooperative agreement, grant or other arrangement. Provides advice on compliance with the laws and regulations applicable to the award and administration of all types of federal contracts and on compliance with policy regarding government-contractor relationships. Provides creative, business recommendations for matters involving complex factual, legal and contractual issues that may impact all of DoD and entire industries. Proposes new solutions in situations where existing contract provisions, laws, rules, policies or procedures are inadequate. Assists in the development and drafting of acquisition policy, procedure and regulations, including policies/procedures/regulations that supplement the Federal Acquisition Regulation (FAR) and the DoD FAR Supplement (DFARS). Reviews and recommends Command position on

DATE: August 1996

proposed acquisition legislation. Maintains current knowledge in the acquisition field and is recognized as a subject matter expert. Maintains liaison with subject matter experts in other organizations regarding acquisition matters.

STANDARDS:

- A. Frequently provides expert written and oral legal advice, as well as sound counsel and business judgment, on extremely difficult, complex and urgent acquisition issues impacting the Command and its components, which is almost always thorough and seldom requires supervisory correction. Recommendations are accepted as appropriate and form the basis for final action by supervisors and clients.
- B. Regularly ensures that multi-million dollar acquisitions with industry impact and public interest are both conducted in compliance with applicable law, regulation and policy and likely to succeed through legal clearances and recommendations that identify risks and promote an appropriate balancing of frequently conflicting interests.
- C. Plans and organizes work independently, handles multiple complex projects, establishes appropriate priorities, and decides appropriate action frequently without preliminary instruction. Independently conducts such investigation as is deemed appropriate, plans the approach, and develops the completed decision, report, opinion, legal instrument, or other product, recognizing when the matter under discussion is of such precedent-setting nature or of such importance or delicacy that the advice must be cleared with more senior officials before it is given out.
- D. Routinely consults with subject matter experts both within and outside of government to maintain expertise and to bring fresh ideas to the Command.

KSA: 1,2, 3,4,5,6,7,8,9,10.

DUTY 2:**20%****Critical**

Provides legal advice and business counsel to program managers, portfolio managers, project managers and other USTRANSCOM personnel engaged in any phase of managing a Command requirement that is met, in part, through acquisition. Provides advice on compliance with laws and regulations applicable to the management of the full range of government acquisition programs, including Acquisition Category (ACAT) programs and programs involving a smaller commitment of funds, less sensitivity, or fewer integration responsibilities. Provides advice on legal/regulatory standards related to the stages of a program, appropriate funds for a stage of a program, the transition from one stage of a program to another stage, tests and demonstrations, architecture reviews, approvals by a Milestone Decision Authority (MDA) or a Program Executive Officer (PEO) or other official, program reviews, certifications, reports, resource estimates and analysis, metrics, and funding. Reviews and helps draft requirements documents, including Performance Work Statements, Initial Capability Documents, and Capability Development Documents. Supports the Joint Capabilities Integration and Development System. Interprets and applies fiscal law and procedural requirements connected with USTRANSCOM and DoD-wide investment management processes that prioritize and authorize the expenditure of funds for all types (information technology, science and technology, research and development, etc.) of programs. Provides creative, business recommendations that permit managers to coordinate requirements, acquisition and funding and deliver the program on time in full compliance with performance standards. Proposes new solutions in situations where existing laws, rules, policies or procedures are inadequate. Assists in the drafting of program management policy, procedure and regulations. Reviews and recommends Command position on proposed program management legislation. Maintains current knowledge in the program management field and is recognized as a subject matter expert. Maintains liaison with subject matter experts in other organizations regarding program management matters.

STANDARDS:

- A. Frequently provides expert written and oral legal advice, as well as sound counsel and business judgment, on extremely difficult, complex and urgent program management issues impacting the Command and its components, which is almost always thorough and seldom requires supervisory correction. Recommendations are accepted as appropriate and form the basis for final action by supervisors and clients.

B. Regularly ensures that multi-million dollar programs impacting the end-to-end DoD distribution and deployment systems and involving contractors from many commercial sectors are both conducted in compliance with applicable law, regulation and policy and delivered on time and in compliance with performance standards through legal clearances and recommendations that identify risks and promote an appropriate balancing of frequently conflicting interests.

C. Plans and organizes work independently, handles multiple complex projects, establishes appropriate priorities, and decides appropriate action frequently without preliminary instruction. Independently conducts such investigation as is deemed appropriate, plans the approach and develops the completed decision, report, opinion, legal instrument, or other product, recognizing when the matter under discussion is of such precedent-setting nature or of such importance or delicacy that the advice must be cleared with more senior officials before it is given out.

D. Routinely consults with subject matter experts both within and outside of government to maintain expertise and to bring fresh ideas to the Command.

KSA 1,2,3,4,5,6,7,8,9,10.

DUTY 3:

25 %

Critical

Advocates and represents the Command position in negotiations, meetings, proceedings before courts and administrative tribunals, and alternative dispute resolution (ADR) forums. Represents the Command in inter-agency, intra-agency, and government-industry meetings and discussions involving negotiation of Command business objectives. Assists the contracting officer/program manager in negotiating the resolution of claims and disputes, in price/cost negotiations, in representation at program management reviews and decision briefings, and in explaining contract/program management actions within the Command and to outside entities such as Congress, the Government Accountability Office (GAO), auditors, investigators, prosecutors, etc. Assists in preventing and resolving disputes without the need for litigation, suggesting settlement options and identifying alternative dispute resolution (ADR) procedures. Represents the Command in bid protests before the GAO or in court, including interviewing government witnesses, collecting necessary documentation, reviewing the Agency Report, preparing the legal memorandum, and arguing the Command's case. Represents the Command in contract disputes before the Armed Services Board of Contract Appeals (ASBCA) or the federal courts, including the preparation of government witnesses, preparation of the Rule 4 file, preparing and responding to motions and requests for discovery, preparing legal briefs, appearing at depositions or motion dockets, developing trial strategy, and appearing at depositions and hearings. Supports the Department of Justice in federal court cases, including contractor bankruptcy matters, suits by contractors for injunctive relief, and contract fraud cases by preparing litigation reports, providing affidavits, preparing witnesses, producing documents, briefing the legal issues, suggesting strategy, promoting satisfactory settlements, and "second-chairing" the DOJ attorney in court hearings. As directed by the Chief, Acquisition and Information Law, drafts reports recommending the suspension/debarment of contractors.

STANDARDS:

A. Helps develop Command position on significant acquisition, fiscal, and program management issues; prepares thoroughly for meetings and negotiations; persuasively advocates USTRANSCOM positions and aids in discussions and negotiations to arrive at resolutions which are lawful, appropriate, and serve the interest of USTRANSCOM.

B. With few exceptions, provides effective advocacy in the award/administration of contracts and in the management of acquisition programs to ensure compliance with all authorities.

C. Vigorously and effectively represents USTRANSCOM's position in direct dealings with highly regarded and skilled attorneys from leading national law firms before Federal courts, the GAO, Board of Contract Appeals, other relevant judicial and quasi-judicial tribunals, alternative dispute resolution (ADR) forums, government-industry forums, and inter-agency meetings.

D. Independently plans and coordinates the many, complex elements of representation, including the advocacy strategy, witnesses, evidence, legal research and analysis, oral argument, discovery, examination of witnesses, settlement negotiations, and the logistics of conducting a hearing, trial, or ADR proceeding.

E. Recognizes the opportunity for precedent and the need to brief senior officials about such opportunities.

KSA: 1,2,3,4,5,6,7,8,9,10.

DUTY 4:

5%

Critical

Assists the Chief, Acquisition and Information Law. As assigned, provide Information Law support involving intellectual property law, electronic commerce, management of information technology (IT), information and operations security, information confidentiality, intelligence operations law, information operations law, and computer network operations law. As assigned, provide general legal support in the areas of transportation law, cargo preference, activation of organic sealift assets, sealift readiness program, Maritime Security Program, and acquisition matters involving non-USTRANSCOM contracting officers, the component commands, the Defense Acquisition Regulation (DAR) Council, etc.

STANDARDS:

A. Maintains general familiarity with the duties of other attorneys in the Acquisition and Information Law Branch.

B. Seeks guidance and instruction, as appropriate, to perform other duties of the Branch, as they may be assigned from time to time, generally in a timely and responsive manner.

KSA: 1,2,3,4,5,6,7,8,9,10.

Other significant facts pertaining to this position are:

May be required to travel by scheduled passenger military or commercial aircraft in the performance of temporary duty assignments.

Position may be subject to recall, irregular or uncommon tour of duty, overtime, and/or mission-essential assignments.

Subject to conflict of interest laws and regulations; employee must complete and submit SF450.

RECRUITMENT KNOWLEDGES, SKILLS, AND ABILITIES (KSA)

1. A law degree from an accredited law school and membership in good standing in a state or District of Columbia bar. Minimum five years experience is preferred/highly desirable (but not required) with government acquisition, ideally DoD acquisition experience that includes Acquisition Category (ACAT)-managed programs. Ability to conduct legal research (including computer-related research) in an effective and timely manner to provide accurate statutory and case law precedents for consideration by decision makers.

2. Expert knowledge of substantive federal laws, regulations and policies applicable to acquisition, program management, and fiscal law.

3. Expert knowledge of all phases of the acquisition cycle and of all stages of a formally managed acquisition program.

-
4. Working knowledge of rules and procedures for litigation and defense of Command actions in all forums, ranging from alternate dispute resolution (ADR) to federal court litigation.
 5. Knowledge of organizational missions, objectives, procedures and the regulatory framework within which the various entities involved in the DTS, the DoD distribution and deployment processes and the DoD logistics system must operate. Knowledge of the DTS, DoD distribution and deployment processes and the DoD logistics system; their capabilities and limitations; how they fulfill transportation/distribution/deployment requirements; and the role that acquisition and program management plays in these systems and processes.
 6. Ability to communicate orally in an effective manner with clients and with opposing or third parties in meetings, negotiations, and litigation. Employee must possess ability to effectively advocate the command position regardless of the forum.
 7. Ability to communicate effectively in writing through legal opinions, correspondence, draft legislation, draft contract provisions, draft policies/procedures, and litigation support documentation.
 8. Ability to evaluate legal risks associated with a proposed course of action, making recommendations based on that analysis and providing guidance as to proper courses of action.
 9. Ability to resolve very broad, complex or sensitive acquisition and/or program management problems that involve diverse organizations, multiple approving authorities, and a variety of policies and controls that both achieve legal compliance and mission success.
 10. Ability to work in an effective manner with all levels of personnel from the Executive Branch, including OMB, DOJ, Office of Secretary of Defense, other Combatant Commands, Services, Defense Agencies, Joint Staff, TCCs and with the commercial community to resolve problems, provide direction and/or present recommendations. Ability to work effectively with Congressional staffers, judges and court/board personnel.

Factor 1, Knowledge Required By The Position

A law degree from an accredited law school, membership in good standing in a state or District of Columbia bar. Minimum five years experience is preferred/highly desirable (but not required) with government acquisition, ideally DoD acquisition experience that includes Acquisition Category (ACAT)-managed programs.

Ability to conduct legal research in an effective and timely manner to provide accurate statutory and case law precedents for consideration by decision makers.

Expert knowledge of substantive federal laws, regulations and policies applicable to acquisition, program management, and fiscal law.

Expert knowledge of all phases of the acquisition cycle and of all stages of a formally manage acquisition program..

Knowledge of organizational missions, objectives, procedures and regulatory framework within which the various entities involved in the DTS, the DoD distribution and deployment processes, and the DoD logistics system must operate. Knowledge of the DTS, DoD distribution and deployment processes, and the DoD logistics system; their capabilities and limitations; how they fulfill transportation/distribution/deployment requirements; and the role that acquisition and program management plays in these systems and processes.

Working knowledge of rules and procedures for litigation and defense of Command actions in all forums, ranging from alternate dispute resolution to federal court litigation.

Ability to communicate orally in an effective manner with clients and with opposing or third parties in meetings, in negotiations, or in litigation.

Ability to communicate effectively in writing through legal opinions, correspondence, draft legislation, draft contract provisions, draft policies/procedures, and litigation support documentation.

Ability to resolve very broad, complex or sensitive acquisition and/or program management problems that involve diverse organizations, multiple approving authorities and a variety of policies and controls and that both achieve legal compliance and mission success.

Ability to work in an effective manner with all levels of personnel from the Executive Branch, including OMB, DOJ, DOC, Office of Secretary of Defense, other Combatant Commands, Services, Defense Agencies, Joint Staff, TCCs and with the commercial community to resolve problems, provide direction and/or present briefings. Ability to work effectively with Congressional staffers, judges and court/board personnel.

Factor 2, Supervisory Controls:

The employee works under the general supervision of the Chief, Acquisition and Information Law, who assigns general functions for which employee has responsibility. Assignments also may be received from the Chief Counsel or Deputy Chief Counsel. The employee is responsible for carrying out any assignment with or without preliminary instruction and is expected to be a subject matter expert. Much of the employee's work will involve contract or program teams and preclude supervision of more than a general nature. The employee works independently, exercising judgment and determining required resources and approaches. The employee independently plans, organizes and conducts factual inquiry, legal research, drafting of legal documents, and representation/litigation. The employee is expected to prioritize work to meet deadlines. When the work requires paralegal support or support from other personnel, the employee is expected to direct and coordinate the efforts of other personnel. The employee will participate in meetings attended by flag officers and members of the SES and may be asked to render preliminary legal opinions immediately. The employee is responsible for recognizing when a matter is of such precedent-setting nature or of such importance or delicacy that the advice must be cleared with superiors before it is released. Completed legal products are assumed to be accurate, but are reviewed for consistency with policy and procedure, for possible precedent effect, and for overall effectiveness. Performance is evaluated in terms of success in achieving goals under assigned responsibilities and contribution to the accomplishment of the command mission.

Factor 3, Guidelines

Principle guidelines regularly used in the work include Public Law, government-wide regulations, rulings of regulatory agencies, Executive Branch guidelines and policy, DOD and Joint directives and publications, multi-service and service regulations and command regulations and guidelines concerning acquisition, program management, fiscal compliance, and advocacy/representation associated with the Defense Transportation System, the DoD distribution and deployment systems, and the Command's overall mission. Guidelines provide a general outline of the program goals and objectives, but they do not detail the methods used to perform or complete work assignments. In addition, guidelines often may not be current with cutting edge technology, changing organizational relationships, business practices created in a dynamic marketplace, or new precedent. Some guidelines are legal authorities, but require interpretation and application in specific factual and legal settings.

Factor 4, Complexity

Assignments involve highly complex and difficult legal questions or factual issues involving analysis, interpretation and application of laws, regulations, policy directives, contract provisions, and other authorities. Precedent or clear policy guidance frequently is lacking. In addition, USTRANSCOM has gained acquisition authority very recently and no USTRANSCOM policies or procedures are in place for acquisition and program management. Acquisition programs, contract disputes, and related matters frequently are governed by time standards driven by statute or

practical deadlines. The complexity and difficulty of the work is heightened by the compressed time frames for providing answers or taking action.

A very high order of creative and original analysis is necessary because sound legal counsel requires the exercise of business judgment. Assignments frequently require the evaluation of multiple risks and recommendations that identify a reasonable risk, as opposed to the avoidance of all risk. Assignments frequently require the evaluation of competing interests and recommendations that reflect the complex consequences of a particular course of action. The employee must not only consider areas of subject matter expertise, but also issues where acquisition and/or program management overlap with less familiar areas, such as information technology, commercial transportation practices, international law, taxation, intellectual property, etc. The employee must master relevant aspects of new subjects relevant to the current issue.

Negotiations, litigation and alternative dispute resolution (ADR) may involve very substantial sums of money and strong challenge from some of the most prestigious law firms in the country. The outcome of these negotiations or contests could establish new, national precedents, have a significant impact on DoD-wide programs and operations (Defense Transportation System, DoD distribution and deployment systems, DoD IT systems, etc.), and impact industries. Accordingly, the employee must anticipate litigation, act to avoid unacceptable consequences of litigation, and identify the interests of all stakeholders in the litigation. The complexity and difficulty of this task is heightened by the fact that simultaneously the employee must be planning, coordinating and preparing for the various phases of litigation (strategy, discovery, gathering evidence, arguing legal motions, raising objections, conducting hearings and appeals, etc.).

The employee also frequently serves as a project leader to develop acquisition strategies, define requirements, develop policies/procedures, and implement solutions to satisfy USTRANSCOM requirements while improving efficiency and effectiveness. Decisions concerning what needs to be done are complicated by the large number of different organizations and diverse regulations and operating procedures established by each DoD Component involved in the distribution and deployment systems. Other decisions are complicated by the difficulty in determining the scope of the problem in these activities because of such factors as multiple authorities, policies and governing regulations; the impact of different funding sources and types of funding; and the wide dispersion and diversity of organizations and activities.

Factor 5, Scope and Effect

The purpose of the work is to provide Command and/or DOD personnel legal advice and business counsel regarding acquisition, program management, fiscal law and advocacy issues associated with the management (command and control, intransit visibility, contracting, billing/payment, etc.) of movement of personal property, passengers, and cargo in the DTS and through the DoD distribution and deployment systems. The incumbent typically serves as the expert and advisor in the assigned legal area; evaluates new developments in the law or regulations for application and/or impact on transportation/distribution/deployment programs; provides staff legal guidance and recommendation to TCCs or to other commands/agencies of the DOD; and supports litigation efforts on behalf of the Command. Stakeholders in the work of the employee include OSD, the DoD Components (including the Services, Defense Agencies, and Combatant Commands), the Joint Staff, and industries involved in transportation, distribution, information technology, etc. The scope of acquisition and program management at USTRANSCOM will cover all of these stakeholders and the employee must keep these stakeholders in mind in issuing opinions, conducting negotiations, establishing precedents, making recommendations, etc.

The results of the work affect major aspects of the Command's core mission as a single manager for DOD transportation and Distribution Process Owner (DPO). The incumbent will be the USTRANSCOM expert in acquisition and program management. Although subject to general supervisory controls and limitations imposed by client objectives, the employee functions independently in identifying issues, analyzing issues, and communicating the importance and urgency of the issues to others in the Command. The incumbent is likely to issue precedent-setting legal opinions and will make recommendations involving precedent-setting actions by the Command. The employee will play a key role in claims, disputes and litigation that will involve very large sums of money and

establish precedent. The incumbent's legal advice and advocacy will be substantive, influencing the way the Command spends a large share of its budget, the effectiveness and efficiency of the DoD-wide systems that it manages, and the behavior and practices of important industries that contract with the Command.

Factor 6, Personal Contacts;

In addition to contacts within USTRANSCOM, contacts often take place with attorneys, decision-makers and policy personnel from the Office of Secretary of Defense (OSD), TCCs, Services, Combatant Commands, Joint Staff, DLA, and other Government agencies (including GSA, OMB, and DOJ), commercial contractors, and Congress. Briefings are frequently prepared and given to flag officers and their civilian equivalents. Within USTRANSCOM, contacts will involve meeting with and providing legal products to flag officers and members of the SES. Meetings and contacts with DoD entities and commercial contractors may occur at similar levels. Representation activities will involve contacts with judges, administrative hearing officers, corporate executives, and attorneys from some of the most prestigious law firms in the country.

Factor 7, Purpose of Contacts;

Contacts are to conduct fact-finding, exchange information, evaluate a marketplace, evaluate the state of a technology, evaluate a business practice, identify legal issues, and advocate Command positions, and collect/refine policies and procedures. Contacts also are to arbitrate, formally and informally, between various groups for coherent acquisition and program policies and procedures for all aspects of the Defense Transportation System and the DoD distribution and deployment systems. The contacts provide the incumbent the opportunity to influence and motivate others in the DOD community to accept changes required for DoD-wide improvement, as well as to prepare for the production of legal products and services.

Factor 8, Physical Demands

The work is generally of a sedentary nature. Short periods of walking, carrying of light office items such as folders, books, briefing papers is required to attend meetings or attend to other office business. Depending on world events, employee may be asked to be available for infrequent legal inquiries during off-duty hours on a rotating basis. The work has deadlines imposed by real world events.

Factor 9, Work Environment

Work is performed in a typical office setting. There is noise from office equipment such as computers and telephones. A security clearance is required for the position and security measures are required daily to protect information, equipment, and personnel.

CLASSIFICATION STANDARD(S) USED: Office of Personnel Management Position Classification Standard for General Attorney Series, GS-0905, TS-18, Dated May 1974, TS-77 Dated Dec 1968; TS-29 Dated Aug 1960; and TS-24 Dated oct 1959.

Subject position is responsible for providing legal advice and counsel in support of USTC acquisitions and USTC programs implemented through contact authority delegated to USTC. The position involves the preparation, negotiation, review, and advisory work pertaining to contracts and acquisition plans, drafts solicitation and contract provisions, assist in the evaluation of offers and proposals, reviews source selection plans, and provides legal clearance for contract actions, modifications and supplemental agreements. Provides advice on contract administration issues, reviews contractor claims and disputes, contracting officer final decisions, termination actions and supports contract close out. This aligns to the General Attorney standard and in accordance with the classification standard, the position is titled Attorney-Advisor (Contract), GS-905.

Grade level determination: The attorney standard uses two elements to determine the difficulty and responsibility of attorney positions. These two factors are: (1) Nature of the Case or legal problem and (2) Level of Responsibility.

Factor 1: This position meets level III for the Nature of the Case or Legal Problem, the highest level in the PCS. Subject position is involved in contract/acquisition issues that are complex factual/policy issues requiring extensive research/analysis. Additionally, the problems can be of unusual delicacy, such as acquisition fraud/acquisitions in support of USTC's end-to-end distribution and deployment process, responsibility for the Defense Transportation System (DTS), and responsibility for the portfolio of information management systems supporting the distribution and deployment process.

Factor 2 – Level of Responsibility

This factor contains four elements which are described in terms of "typical" characteristics identified as Level A, C, and E. The intervening levels (B and D) are assigned when a position falls between two levels. These elements are evaluated as follows:

Nature of Functions – Level D: The position meets some aspects of both Level C and E. At level E, the incumbent performs independent review/analysis regarding decisions on such issues as whether to defend challenged contact actions or settle such claims. Additionally, at this level, positions reviews and/or drafts proposed USTC decisions independently, for agency officials who exercise final authority over the matter. At level C, attorneys also review legal soundness of program material from operating organizations, as well as conducting legal research on pending cases, handling legal questions from administrative agency officials, and advising on the effect and legality of proposed agency changes in acquisition policy or regulations. Subject position is credited at Level D.

Supervision and Guidance Received – Subject position meets level E where the incumbent is responsible for carrying out any assignment with or without preliminary instruction and is expected to serve as the subject matter expert. The work is performed independently with latitude to identify problems, prioritize work, and take initiatives. Work methods and products are assumed to be technically accurate and are not ordinarily reviewed.

Personal Work Contacts – Position is credited at level D – the position is responsible for meeting with, negotiates with and/or advising top level managers both within USTC as well as attorneys, decision-makers and policy personnel from the Office of Secretary of Defense (OSD), TCCs, Services, Combatant Commands, Joint Staff, DLA and other Government agencies, commercial contractors, etc. The position clearly exceeds level C under this factor and meets many of the criteria outlined for level E. Position is credited at Level D.

Nature/Scope of Recommendations/Decisions – Level D: The position exceeds level C but does not fully meet the intent of Level E where attorneys are often responsible for directing, coordinating, and reviewing the work of a team dealing with matters of such scope/complexity that they require the concentrated efforts of several attorneys. At level E, the advise or proposed changes in legislation are given directly to heads of programs, bureau chiefs, cabinet officers, congressmen, or representatives of State and local governments. Position is credited at Level D.

Using the grade conversion chart on page 21 of the standard, a position that is credited with Type III for Nature of Cases/Programs combined with lev3ls of responsibility (3-Ds, 1-E) assigned Level D, converts to a grade of GS-14