

**POSITION DESCRIPTION** (Please Read Instructions on the Back)

1. Agency Position No.  
**NL10906**

2. Reason for Submission <input checked="" type="checkbox"/> Redescription <input type="checkbox"/> New <input checked="" type="checkbox"/> Reestablishment <input type="checkbox"/> Other		3. Service <input type="checkbox"/> Hdqtrs. <input checked="" type="checkbox"/> Field		4. Employing Office Location ORLANDO, FL		5. Duty Station ORLANDO, FL		6. OPM Certification No.		
7. Fair Labor Standards Act <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Nonexempt				8. Financial Statements Required <input type="checkbox"/> Executive Personnel Financial Disclosure <input checked="" type="checkbox"/> Employment and Financial Interests		9. Subject to IA Action <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
10. Position Status <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Excepted (Specify in Remarks) SES (Gen.) <input type="checkbox"/> SES (CR)				11. Position Is: <input type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input checked="" type="checkbox"/> Neither		12. Sensitivity <input type="checkbox"/> 1- Non-Sensitive <input checked="" type="checkbox"/> 2- Noncritical <input type="checkbox"/> 3- Critical Sensitive <input type="checkbox"/> 4- Special		13. Competitive Level Code		14. Agency Use

15. Classified/Graded by	Official Title of Position	Pay Plan	Occupational Code	Grade	Initials	Date
a. U.S. Office of Personnel Management						
b. Department, Agency or Establishment						
c. Second Level Review						
d. First Level Review	ATTORNEY ADVISOR (GENERAL)	GS	905	15	BP	18 MAR 98
e. Recommended by Supervisor or Initiating Office						

16. Organizational Title of Position (if different from official title) \_\_\_\_\_  
17. Name of Employee (if vacant, specify) \_\_\_\_\_

18. Department, Agency, or Establishment DEPARTMENT OF THE ARMY (DA)		c. Third Subdivision OFFICE OF THE COMMANDER	
a. First Subdivision U.S. ARMY MATERIEL COMMAND (AMC)		d. Fourth Subdivision LEGAL SERVICES OFFICE	
b. Second Subdivision SIMULATION, TRAINING & INSTRUMENTATION CMD		e. Fifth Subdivision	

19. Employee Review. This is an accurate statement of the major duties and responsibilities of my position.  
Signature of Employee (optional) \_\_\_\_\_

**Supervisory Certification.** 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 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 violation of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor  
JAMES M. SKURKA, DEPUTY TO THE COMMANDER

b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)

Signature \_\_\_\_\_ Date **3 Apr 98**

Signature \_\_\_\_\_ Date \_\_\_\_\_

21. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.

22. Position Classification Standards Used in Classifying/Grading Position  
US OPM PCS FOR GENERAL ATTORNEY SERIES, GS-905.

Typed Name and Title of Official Taking Action  
JAMES B. GODWIN, COL, CHIEF OF STAFF

Signature \_\_\_\_\_ Date **3 Apr 98**

**Information for Employees.** The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.

23. Position Review	INITIALS	DATE								
a. Employee (optional)										
b. Supervisor										
c. Classifier										

24. Remarks  
POSITION IS AT THE FULL PERFORMANCE LEVEL.

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25. Description of Major Duties and Responsibilities (See Attached)

## **INTRODUCTION**

Position is located in the office of the Commander, Legal Services Office of the U.S. Army Simulation Training and Instrumentation Command (STRICOM), a major subordinate command of the U.S. Army Materiel Command (AMC). The mission of STRICOM is to provide centralized management and direction for all research, development, acquisition and fielding of Army training devices, simulations, simulators, instrumentation, targets threat simulators and Advanced Distributed Simulation (ADS). The mission includes cradle-to-grave life cycle acquisition beginning with technical base program and throughout each phase of the acquisition process. The Commander centrally directs, coordinates and supports the materiel development, acquisitions and sustainment activities through the functional matrix organization and four project managers. This position serves as Chief Counsel for the Simulation, Training, and Instrumentation Command.

## **MAJOR DUTIES**

1. Serves as the senior legal advisor and counselor to the Commander, senior management levels, supervisors and managers of STRICOM in the fields of acquisition policy, litigation, research and development, fiscal policy, civilian personnel and labor law, business and commercial law, standards of conduct and ethics.

- Provides all necessary advice and assistance requiring the services of professional legal and clerical support personnel engaged in legal cases, characterized by complex factual and policy issues requiring statutory interpretation, application of legal theory and extensive research, analysis and evaluation of information on controversial questions involving engineering and scientific disciplines, fiscal legal issues, finance, international agreements, and other highly technical areas often involving acquisition of unusually high dollar value systems (i.e., hundreds of millions of dollars), intense competition and negotiations with executives and legal counsel representing major U.S. industries, important impact on major industries and lack of judicial precedents (e.g., long range research and development contracts,

various types of incentive contracts and multi-year and other innovative forms of acquisition).

- Serves as representative of the Commander on matters involving STRICOM and U.S. Army Materiel Command policies. Serves as senior level liaison officer representing the Commander in conferences and meetings with various elements of Army Materiel Command, Department of the Army, Navy, Air Force and Department of Defense and other Government agencies on matters involving mission essential and unprecedented legal policies, assuring that views and interests of STRICOM are known and considered. In connection with the Command's multi-million dollar design, research, procurement and logistics activities meets with civilian industrial, contractors and their legal representatives to address legal issues of business conducted between the Command and private industry as governed by laws, regulations, standards, and international agreements. As representative of the Commander, has virtually unreviewed authority for reaching independent conclusions in complex legal matters involving Command interests and assigned missions.

- Exercises technical legal direction and control of the Command's legal personnel to ensure accomplishment of functional responsibilities by the office of the Chief Counsel. Directs and coordinates the mission and objectives of the office on matters of legal policy, exceptionally complex and unprecedented legal issues and cases and on matters of special interest to the Commander and higher authority. Advises on legal policy involving complex legal problems and cases of major significance which arise from execution of the STRICOM mission, function, operations and activities.

**40%**

2. Discusses with other attorneys questions of law and fact involved, and makes policy decisions to assure that legal strategy, opinions rendered and determinations made ensure the propriety of STRICOM actions, policies, practices and positions under pertinent statutory and regulatory provisions. Investigates problems and problem areas from the legal viewpoint deficiencies and improprieties of significance are found or believed to exist in STRICOM policies, procedures, programs, systems or actions. Discusses factual and legal aspects of such problems and problem areas with responsible management officials and assures that preventive legal advice is

timely furnished to STRICOM executives, management and operating officials, outlining alternatives and possible solutions which are legally permissible or desirable. Ensures desirable uniformity and consistency of interpretation and application of statutes and regulations that have effect of law. Provides attorneys technical legal advice and guidance on extremely complex legal problems which are either unprecedented or which require reconsideration of established procedures and policies. Exercises judgment in determining those matters of which the Commander should be informed and those requiring his personal action or decision. Utilizes Command staff meetings, attendance at briefings of the Commander, and strong attorney-client relationships to keep abreast of policies and program plans of the Command, facilitating the practice of preventive law. Keeps office attorneys advised of such matters of which they should be aware through regular staff meetings. **35%**

3. Ensures optimum legal service is provided to the command. Reviews and improves operations, evaluates changing needs and activities rendering legal service when and as required. Maintains close working relationship with Headquarters, Army Materiel Command, representing STRICOM and providing required support, and communication on matters of interest to the higher headquarters and obtaining specialized technical legal advice and assistance as required. **25%**

Performs other duties as assigned.

#### **FACTOR 1 - KNOWLEDGE REQUIRED BY THE POSITION**

Incumbent must be a fully-qualified attorney admitted to practice before the highest court of a state, D.C., a territory, or before a federal court. He/she must have extensive knowledge of the myriad federal statutes and regulations in the area of government contract law, civilian personnel law, the Freedom of Information Act, the Privacy Act, the Standards of Conduct for federal employees, and the regulations implementing these laws. He/she must have an extensive knowledge of the decisions rendered by many diverse courts and administrative bodies, particularly those of the Court of Appeals for the Federal Circuit, the ASBCA (and other Boards of Contract Appeals), the MSBP, EEOC and FLRA, and the General Accounting Office

(Comptroller General). Incumbent must be able to prepare and argue the most complex/sensitive cases before the Federal Courts as delegated by the Department of Justice and administrative authorities, such as ASBCA, MSPB, EEOC, and FLRA. In this regard, incumbent must be skilled advocate with a thorough and complete knowledge of the Federal Rules of Evidence, the Federal Rules of Civil Procedure, and the rule of the forum hearing the case.

Incumbent must have as comprehensive knowledge of the functions, relationships, and methods of operation of the various divisions of the Department of the Army and of its field activities. Incumbent must have knowledge of personnel and management procedures, practices and techniques, and must possess the ability to persuade others to initiate changes in programs or procedures when the legality of prior procedures is questionable.

## **FACTOR 2. SUPERVISORY CONTROLS**

Incumbent serves under the general supervision of the Commanding General/Deputy to the Commander. While exercising the full scope of decisions on individual cases without review of higher authority, incumbent is responsible for determining which matters are of such importance or delicacy as to call for supervisory clearance prior to release of the advice proposed to be given. Conducts the investigation or negotiation; plans the approach, develops the completed decision, report, brief, opinion, contract, or other meeting or hearing, or trial where a hearing is involved.

Incumbent briefs supervisor on problems involving extremely critical, complicated or precedent-setting cases. Most work is not subject to review. Performance is normally evaluated on the basis of overall program accomplishments.

## **FACTOR 3. GUIDELINES**

Guidelines employed in incumbent's decision making process include policies, statutes, Federal regulations, Comptroller General decisions, ASBCA, GSBICA, MSPB, FAR and EEOC decisions, judicial decisions and numerous treaties. In many cases, these guidelines are not applicable due to the complexity of the legal issues involved and/or the novelty of the issue. The incumbent must interpret intent, develop unique arguments not covered by precedent, and

resolve seemingly conflicting guidance in order to properly resolve the problems presented.

**FACTOR 4. COMPLEXITY**

Incumbent is responsible for managing the legal office and for providing legal advice, conducting legal research, negotiating with contractors and their lawyers, preparing for and trying cases, etc., when such legal matters involve highly complex/sensitive issues and/or high dollar amounts. Incumbent must consider a variety of complex legal questions involved with contracts, civilian personnel, bankruptcy, patent and copyright, and commercial law. Incumbent must make legal decisions involving federal statutes and regulations. Decisions also require a highly involved interplay of rules, judicial decisions, and seasoned judgment.

**FACTOR 5 - SCOPE AND EFFECT**

Decisions made by the incumbent on matters such as contracts legal issues may, in major cases, affect the financial position of major private corporations, which in turn may affect the stability of various regions of the country. Some decisions set precedents, which may affect numerous future or existing contracts DOD wide.

**FACTOR 6 - PERSONAL CONTACTS**

Incumbent provides legal advice at all echelons of the activities serviced and communicates with Department of Defense personnel throughout the United States including a variety of personnel at higher command echelons. He/she communicates routinely with senior management of corporations/contractors and their legal representatives. Incumbent confers often with other attorneys in the office of the General Counsel and in the Justice Department. Incumbent may be required to meet with congressional staff members, representatives of foreign governments or corporations, local government officials, etc.

**FACTOR 7 - PURPOSE OF CONTACTS**

Contacts with personnel from high Army echelons and other agencies are conducted for giving or exchanging information, resolving problems, rendering advice, making recommendations, trying cases, etc. Contacts with

corporations/contractors and representatives are conducted to exchange information, resolving problems, justifying, defending, negotiating or settling of difference, both in a business atmosphere and in legal contexts. Discussions with such persons may preclude the ultimate reliance on formal legal proceedings. Contacts with U.S. Congressional staff members are for the purpose of exchanging information or resolving problems. Persons contacted may be unreceptive or even hostile to the incumbent's legal position. Controversy is usually encountered and solutions are developed.

#### **FACTOR 8 - PHYSICAL DEMANDS**

Work is essentially of a sedentary nature although some travel may be required. Intense mental concentration is often required in the incumbent's decision making process. The writing of briefs, preparation of cases, and trial of cases require this concentration to be exerted over lengthy periods of time. Incumbent must also have the necessary mental resiliency to shift thoughts quickly through the gamut of problems presented.

#### **FACTOR 9 WORK ENVIRONMENT**

The majority of the incumbent's work is accomplished in the legal office. Hearings before the General Accounting Office, and other bodies such as the EEOC, or MSPB usually require travel. Meetings with contractors or others may require travel to various areas of the U.S. and overseas.

CRITICAL ACQUISITION POSITION AMENDMENT TO PD# NI 10906

"This is a Critical Acquisition Position. Unless specifically waived by the appropriate Army official, the following are statutory requirements (Reference: 10 U.S.C. 1733 - 1737):

- Selectee must be qualified for Acquisition Corps membership at the time of selection or possess a waiver.
- Selectee must execute, as a condition of appointment, a written agreement to remain in federal service in this position for at least 3 years. In signing such an agreement, the employee does not forfeit any employment rights, nor does such an agreement alter any other terms or conditions of employment."