

COMMENTS/SUGGESTIONS OF COMMITTEE MEMBER DAVID PRITZKER 11/3/19



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Recruiting and Hiring Agency Attorneys

Ad Hoc Committee

Proposed Recommendation for Committee | November 5, 2019

1 Attorneys serve crucial roles within federal agencies. To give a few examples, they
2 defend agencies in litigation, draft regulations, investigate complaints, and resolve legal issues
3 surrounding information disclosure. Attorneys support nearly all the operations of agencies,
4 helping to ensure their fair and successful functioning, as well as the legality of agency actions.
5 ~~As such, it~~ It therefore is critical to ensure that agencies can effectively hire a highly qualified
6 corps of attorneys.¹

7 The term “agency attorney” can have many different meanings. To fully understand the
8 kind of agency attorneys to which this Recommendation refers, it is necessary to briefly examine
9 the background of the civil service laws.

10 Title 5 of the U.S. Code and Title 5 of the Code of Federal Regulations (C.F.R.) contain
11 the rules that govern most of the civil service’s hiring. Title 5 of the U.S. Code defines civil
12 service positions, “for the purposes of this title,” as all positions in the government, excluding the
13 uniformed services but including the judicial and legislative branches.² The phrase “for the
14 purposes of this title” is an important qualifier: not all civil service positions are within Title 5 of

¹ The Administrative Conference addressed a similar set of practices with respect to administrative law judges (ALJs) in Recommendation 2019-2, *Agency Recruitment and Selection of Administrative Law Judges*, 84 Fed. Reg. 38,930 (Aug. 8, 2019).

² 5 U.S.C. § 2101 (2016).



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15 the U.S. Code. ~~H-Title 5~~ creates three categories of civil service positions: 1) competitive service;
16 2) excepted service; and 3) senior executive service.³

17 ~~By default, all~~Most civil service positions are in the competitive service. Agencies that
18 wish to fill a position in the competitive service must generally offer all U.S. citizens and
19 nationals the opportunity to “compete” in a public and open examination, and the winner of this
20 “competition” is offered the position. The ~~rules to which procedures that~~ agencies must ~~adhere~~
21 ~~follow~~ in administering this competition are extremely detailed and complex. A full accounting
22 of them is beyond the scope of this Recommendation. Several of them are: 1) posting a vacancy
23 announcement on USAJobs.gov, the federal jobs portal (hereinafter “USAJobs”); 2) formally
24 assigning numerical ratings to applicants and selecting among the top three candidates (or,
25 alternatively, adopting a rating system in which applicants are placed into “categories”); 3) only
26 hiring from lists of candidates prepared by an agency human resources (HR) department; 4)
27 using Office of Personnel Management (OPM)-generated “qualification standards” within the
28 vacancy announcement; and 5) adhering to detailed procedures for giving veterans and family
29 members of veterans priority consideration.

30 Title 5’s civil service positions ~~end up in~~may be assigned to the excepted service, rather
31 than the competitive service, when the President or OPM has ~~so~~ designated a position ~~to be in the~~
32 ~~excepted service. When a position is in~~Within the excepted service, OPM ~~places it into one of~~has
33 ~~created~~ five “schedules,” lettered A through E, ~~within the CFR~~. OPM has placed Title 5 attorney
34 positions under “Schedule A” of the excepted ~~service~~.⁴ Although there are different hiring rules
35 depending on which schedule an excepted service appointment is in, it is generally true that
36 excepted service appointments are subject to a much less stringent set of requirements than the
37 competitive service. For example, if an agency chooses to post a vacancy announcement for an
38 excepted service position, it need not post it on USAJobs.

Commented [DMP1]: To follow the statement that there are three categories by a statement that “by default” ALL of them are in the first category is potentially confusing and unnecessary.

Commented [DMP2]: If it is important to note that this is in the CFR, add a footnote with the citation. Otherwise, omit the reference to the CFR.

Commented [DMP3]: Because Schedule D is referenced below, I suggest adding a footnote here noting the relevance and content of Schedule D.

³ The senior executive service will not be discussed in this Recommendation.

⁴ ~~Schedule D, referenced below, includes Presidential Management Fellows. The other schedules are not pertinent to the content of this Recommendation~~



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39 ~~With this background, it is now possible to understand the scope of the Recommendation.~~
40 ~~Namely, this~~This Recommendation applies only to agency attorneys who are hired for positions
41 under Schedule A of the excepted service. It does not apply to attorney positions that may be
42 found in parts of the U.S. Code other than Title 5, nor does it apply to people who happen to be
43 attorneys but who serve in some non-attorney capacity positions (e.g., competitive service
44 positions). Attorney positions ~~that are the subject of~~addressed in this Recommendation are the
45 majority of attorney positions in the federal government.⁵ Those holding these positions are
46 referred to as “0905 attorneys,” in reference to the occupational code assigned to these positions
47 by OPM.⁶

Commented [DMP4]: This insertion clarifies that it is the *positions* that are assigned to Schedule A and the attorneys are hired to fill those positions.

48 The laws governing the hiring process for 0905 attorney positions are generally much
49 less restrictive than the laws governing the hiring process for competitive service positions and
50 even the laws governing the hiring process for other excepted service positions. For example,
51 with respect to 0905 attorney positions, agencies need not post announcements on USAJobs, use
52 HR officials to screen applicants, use qualifications established by OPM, or use category or
53 numerical rating systems for hiring.

54 Still, there are legal requirements to which agencies must generally adhere when hiring
55 0905 attorneys. These include ~~not making prohibiting~~ hiring decisions based on: protected
56 characteristics (e.g., race, sex, and national origin); political affiliation; whistleblower activities;
57 and other ~~merit irrelevant non-merit~~ considerations such as friendship, sympathy, or loyalty.⁷
58 ~~They also include~~However, the requirements permit affording priority consideration to certain
59 candidates, including veterans “to the extent administratively feasible”⁸ and to people who were

⁵ U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-16-521, FEDERAL HIRING: OPM NEEDS TO IMPROVE MANAGEMENT AND OVERSIGHT OF HIRING AUTHORITIES (2016).

⁶ Some 0905 attorney positions are covered by collective bargaining agreements. In those situations, a Agencies should consult and abide by the terms of their agreements as they implement this Recommendation.

⁷ 5 U.S.C. § 2302 (2016).

⁸ 5 C.F.R. § 302.101 (2019).



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60 separated or furloughed from the agency, without misconduct, due to a compensable injury;⁹
61 taking actions to achieve workforce diversity, such as recruiting from a variety of sources that
62 will likely yield a diverse workforce;¹⁰ hiring only those who have a bar license;¹¹ generally not
63 hiring males born after 1959 who have not registered for the selective service;¹² and not
64 engaging in nepotism.¹³

65 Despite the less restrictive legal requirements for hiring 0905 attorneys, many agencies
66 ~~institute~~ choose to follow 0905 attorney hiring practices that are not legally required, such as
67 involving HR officials in screening out applicants based on substantive criteria (e.g., number of
68 years of certain kinds of legal experience) and posting announcements exclusively on USAJobs
69 without further disseminating them. Although some agencies undertake these practices knowing
70 they are optional, in other agencies, HR officials and selecting officials (the agency employees
71 responsible for making the ultimate hiring decision) believe these actions are legally required.
72 Until 1993, OPM published the Federal Personnel Manual, a compendium of personnel laws that
73 served as an easy reference guide for agencies; currently, there appears to be a dearth of helpful
74 guidance on the civil service hiring laws.

75 Because federal hiring law permits agency discretion regarding the processes used to
76 select 0905 attorneys, agencies may wish to use different practices for different situations. In
77 certain circumstances, for example, agencies may wish to attract broad applicant pools, while in
78 others, they might have presumptive candidates (such as ~~former attorneys~~ formerly employed by
79 them, former legal interns, or highly recommended candidates) ~~in mind~~ under consideration.
80 ~~When agencies have presumptive candidates in mind, they may not wish~~ In such situations,
81 agencies may not want to post or broadcast an announcement at all, and it is legally permissible

Commented [DMP5]: These people are not “former attorneys”; they are former employees.

⁹ 5 U.S.C. § 8151 (2016).

¹⁰ See U.S. OFFICE OF PERSONNEL MGMT., GOVERNMENT-WIDE DIVERSITY AND INCLUSION STRATEGIC PLAN 6 (2011).

¹¹ U.S. OFFICE OF PERSONNEL MGMT., POSITION CLASSIFICATION STANDARD FOR GENERAL ATTORNEY SERIES, GS-0905, at 2 (May 1974).

¹² 5 U.S.C. § 3328 (2016).

¹³ *Id.* § 3110 (2016).



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82 for them not to do so. ~~W~~However, when agencies want to have a broad applicant pool, they will
83 ~~likely typically~~ benefit from posting an announcement in locations ~~where likely to reach~~
84 potential optimal candidates ~~frequent~~. This may or may not include USAJobs, and agencies
85 would be within their legal rights to decide not to use USAJobs. Although agencies may decide
86 USAJobs is among the best places to post an announcement, there is a monetary cost to posting
87 on USAJobs, and posting an announcement solely on USAJobs without further dissemination
88 may be insufficient to produce the optimal applicant pool.

89 Regardless of whether agencies decide to post on USAJobs or elsewhere, announcements
90 are ~~only~~ effective recruiting tools only if they are written clearly, in a way designed to welcome
91 qualified applicants. Many 0905 attorney announcements appear not to be, and often contain
92 dense, boilerplate language, job responsibilities that are difficult to decipher, and threats of
93 facing jail time or paying fines. It seems that this problem is caused at least in part by how HR
94 officials use USAJobs to post announcements. For example, a selecting official may be the one
95 who drafts the announcement but then sends ~~the announcement~~ to HR ~~to for posting it~~ on
96 USAJobs. When posting on USAJobs, an HR official may insert boilerplate language, facilitated
97 by USAStaffing, #OPM's website, accessible only to government officials, ~~for to posting~~
98 vacancy announcements on USAJobs. The selecting official might not realize such language was
99 added until after the announcement is posted. The Recommendation addresses this issue by
100 encouraging selecting officials, if they send announcements to HR to post, to review the final
101 versions of all vacancy announcements exactly as they will appear to the public before they are
102 posted.

103 This Recommendation's appendix offers ~~two an~~ examples of announcements that
104 ~~illustrate the problems discussed above, along with~~ an announcement that is written clearly, ~~and~~
105 in a welcoming manner, which avoids the problems discussed above. There are resources to

Commented [DMP6]: Please see the comment I submitted previously, in which I suggested deleting the examples of what NOT to do.



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106 assist agencies in using plain language, including Administrative Conference Recommendation
107 2017-3, *Plain Language in Regulatory Drafting*¹⁴ and the *Federal Plain Language Guidelines*.¹⁵

108 Agencies' recruitment efforts might include recruiting former interns and Presidential
109 Management Fellows (PMFs) (described below) to work as 0905 attorneys. Hiring these
110 candidates allows agencies to employ ~~these attorneys~~ who have previously worked in the agency
111 and have proven~~d~~ that they can successfully handle the position's responsibilities. Such hiring is
112 akin to summer associate programs at some law firms, in which firms hire students to work for
113 the summer after their second year of law school and, after observing the students' work, may
114 offer them permanent employment upon graduation.

115 With respect to former interns, agencies cannot extend an offer of 0905 employment
116 immediately after the student's graduation. Instead, they have to wait until the person is admitted
117 to a bar,¹⁶ a process that can take nearly a year or longer after the person graduates. Agencies that
118 have honors programs can hire such students as honors attorneys immediately after the person
119 graduates and then convert them to 0905 attorneys upon being admitted to a bar. However, not
120 every agency has an honors program. Accordingly, this Recommendation encourages agencies to
121 establish attorney honors programs and offers one additional suggestion for hiring interns after
122 graduation and before admission to a bar: hiring such graduates as Law Clerk Trainees, and then
123 hiring them as 0905 attorneys upon admission to a bar. Law Clerk Trainees need not have a bar
124 license.

125 Under the PMF Program, agencies can hire people immediately upon graduation from a
126 graduate-level program, including law programs, to work for two years as a PMF. During the
127 employee's time as a PMF, the employee is within Schedule D of the excepted service. Upon

¹⁴ Admin. Conf. of the U.S., Recommendation 2017-3, *Plain Language in Regulatory Drafting*, 82 Fed. Reg. 61,728 (Dec. 29, 2017).

¹⁵ PLAIN LANGUAGE ACTION & INFORMATION NETWORK, FEDERAL PLAIN LANGUAGE GUIDELINES (Rev. ed. May 2011), <http://www.plainlanguage.gov/guidelines/>.

¹⁶ See POSITION CLASSIFICATION STANDARD, *supra* note 10.



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128 completion of the two-year program, the agency has the option of converting the PMF to a
129 permanent competitive service employee. The agency does *not* have the option of converting the
130 PMF to an 0905 attorney, even if that person has been admitted to a bar. Instead, if the agency
131 wishes to hire the PMF as an 0905 attorney, it must complete a separate hiring track. This
132 introduces an additional administrative step that might not always be obvious to agencies.
133 Accordingly, this Recommendation reminds agencies that they can offer successful PMFs who
134 have been admitted to a bar 0905 attorney positions.

Commented [DMP7]: It is not clear what this requires or how difficult or time-consuming this is.

Commented [DMP8]: It appears that the recommendation is, essentially, that agencies take the additional administrative step. I suggest modifying the recommendation (paragraph 22) and this sentence to recommend eliminating the additional step.

Commented [DMP9]: Are non-ALJ adjudicators always required to be attorneys?

135 The Administrative Conference recognizes that specific attorney positions may require
136 additional criteria. ~~One of these is~~ Among those are non-ALJ adjudicators. As discussed above,¹⁷
137 the Administrative Conference addressed the hiring of ALJs in Recommendation 2019-2. At the
138 very least, these individuals must be impartial.¹⁸ There may be additional criteria agencies need
139 to apply to screen for this quality and others specific to adjudicator positions.

RECOMMENDATION

Ensuring Agencies Know Which Procedures Are Required and Which Are Optional For Hiring Attorneys in the Excepted Service

140 1. The Office of Personnel Management (OPM) (in conjunction with the Merit Systems
141 Protection Board and the Office of Special Counsel as necessary) should provide training
142 for agencies on the minimum procedural requirements in statute, regulations, and
143 executive orders for hiring 0905 attorneys. This would clarify the distinction between
144 excepted service hiring for attorneys and competitive service hiring and would explain
145 the alternative processes and flexibilities available to excepted service hiring. Such

¹⁷ See note 1, *supra*.

¹⁸ See Admin. Conf. of the U.S., Recommendation 2018-4, *Recusal Rules for Administrative Adjudicators*, 84 Fed. Reg. 2139 (Feb. 6, 2019).



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146 training could take any number of forms, including written materials and in-person
147 presentations or webinars.

Helping Agencies Recruit Qualified Attorney Applicants

- 148 2. When hiring 0905 attorneys through the excepted service, agencies should recognize they
149 have flexibility in recruiting. They may exercise broad or targeted recruitment strategies.
- 150 3. When seeking broad applicant pools for 0905 attorney positions, agencies are encouraged
151 to post vacancy announcements in multiple locations where they are likely to reach
152 qualified applicants. Options for posting include agencies' own websites, job recruiting
153 websites, or USAJobs. In addition to publicly posting announcements, agencies should
154 widely disseminate such announcements to a variety of sources, such as bar associations,
155 other professional legal associations, law school career offices, non-profit organizations,
156 former and current agency employees and interns, other agencies, and other professional
157 networks.
- 158 4. If agencies have presumptive candidates or small groups of candidates under
159 consideration, they may choose not to post announcements or otherwise disseminate the
160 announcements widely.

Drafting Vacancy Announcements

- 162 5. Agencies should ensure that selecting officials, i.e., those agency officials who make the
163 ultimate hiring decision, draft and review vacancy announcements for 0905 attorney
164 positions.
- 165 6. Announcements for 0905 attorney vacancies should be written in plain language, hewing
166 closely to the principles from Administrative Conference Recommendation 2017-3, *Plain*
167 *Language in Regulatory Drafting*, and the *Federal Plain Writing Guidelines*.
- 168 7. Announcements should specify exactly and clearly which documents are required to
169 constitute a complete application; distinguish between mandatory and desirable criteria;
170 and include under mandatory criteria only essential elements, such as bar membership
171 and citizenship status.

Commented [DMP10]: I suggest saying "adhering" as a more commonly used word in this context.



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- 172 8. Announcements should not contain inapplicable boilerplate language, such as
173 competitive status rules that do not apply to 0905 attorneys.
- 174 9. If agencies intend to limit applications to a certain number, the announcement should say
175 so and specify what the limit is.
- 176 10. Agencies should recognize that they have the option of requiring a conventional resume
177 from applicants instead of the resume generated by USAJobs. Agencies that want to
178 require a conventional resume should state this clearly in the vacancy announcement.
- 179 11. If, after drafting a vacancy announcement, selecting officials send the announcement to
180 human resources (HR) officials to be posted on USAJobs or elsewhere, selecting officials
181 should ask HR officials to see ~~a~~the version of the announcement exactly as it will appear
182 to the public. Selecting officials should then carefully review the announcement to ensure
183 that it is consistent with Paragraphs 6 through 9 before it is posted.
- 184 12. Selecting officials should continue to review open-ended or long-term vacancy
185 announcements to ensure they do not become outdated.
- 186 13. When feasible, agencies should ensure applicants are notified that their applications have
187 been received and if they were not selected.

Improving USAStaffing

- 188 14. OPM should include a notice on USAStaffing that encourages agencies to specify exactly
189 and clearly which documents are required to constitute a complete application;
190 distinguish between mandatory and desirable criteria; and include under mandatory
191 criteria only essential elements, such as bar membership and citizenship status, as
192 specified in Paragraph 7.
- 193 15. Wherever boilerplate language relating to competitive service hiring practices appears in
194 the USAJobs employer interface (USAStaffing), OPM should make clear that this
195 boilerplate language does not apply to excepted service 0905 attorney hiring, and should
196 be excluded in excepted service attorney vacancy announcements.
- 197 16. OPM should include a link on USAStaffing to the *Plain Language Guidelines* and to
198 *Administrative Conference Recommendation 2017-3, Plain Language in Regulatory*

Commented [TR11]: Comment from Todd Rubin: The recommendation is worded passively. Who should give agencies this option? We need an actor here. See also my comment on number 17, which illustrates the problem with this recommendation.

Commented [DMP12]: This insertion is intended to respond to Todd Rubin's comment. See also my suggested changes to paragraph 17 in response to his concerns.

Commented [DMP13]: Are the recommendations under this heading intended to apply specifically for recruitment of 0905 attorneys or general improvements for USAStaffing? I think it's the latter, but either way, the recommendation should make this clear. (If it's the more general applicability, does paragraph 17 apply generally, or is it only for excepted service or attorneys?)



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199 *Drafting*, and encourage agencies to apply all relevant provisions of them to their drafting
200 of vacancy announcements, as specified in Paragraph 6.

201 17. OPM should **make clear in the instructions for USAStaffing that ~~allow~~ agencies ~~to~~**
202 **~~require~~ have the option of requiring** applicants to submit a conventional resume instead of
203 the resume generated by USAJobs.

Evaluating Applicants **for Attorney Positions**

204 18. Agencies should develop policies covering how attorney applications will be reviewed
205 and assessed. These policies may include creating teams of hiring officials to select
206 applicants for interviews and/or to recommend applicants for appointment.

207 19. Agencies (perhaps through political appointees or in partnership between hiring and HR
208 offices) should decide which responsibilities, if any, HR officials are to have in the
209 process of evaluating applications. If HR officials will screen applicants, selecting
210 officials should determine the screening criteria they will use and clearly communicate
211 the criteria to HR officials. Screening criteria should be easy for non-attorneys to
212 manage, such as citizenship status and bar membership, rather than more amorphous
213 criteria such as possessing a certain number of years of experience in a particular subject
214 area.

Helping Agencies Evaluate Attorneys During Their Trial Period

215 20. HR officials should send reminders to supervisors approximately 90 days before the end
216 of an 0905 attorney's two-year trial period informing them that the period will soon end.
217 Supervisors should make affirmative decisions about whether attorneys will be employed
218 after the trial period.

Creating a Pathway From Legal Internship to 0905 Attorney Employment

219 21. Agencies should consider a variety of options for hiring high-performing legal interns
220 after graduation, both before they have been admitted to a bar and after. Intern

Commented [TR14]: Comment from Todd Rubin: This recommendation (along with number 10 above) should be revisited. Agencies *are* allowed to require applicants to submit a "conventional" resume. All they have to do is include an instruction within a vacancy announcement that an applicant must submit a resume that does/does not include x, y, and z. For example, if an agency decides that a "conventional" legal resume does not contain salary information, all the agency needs to do is write, somewhere within the announcement, something to the effect of: "Please submit a resume does not include your salary information." The USAJobs interface allows applicants to submit whatever attachments they would like (subject to file size limitations) as part of their application, so to comply with this instruction, an applicant simply needs to upload a resume that does not have salary information. It would be more sensible to recommend that agencies include such an instruction within their announcements, rather than asking OPM to give agencies an option they already have.



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221 supervisors should encourage successful interns to apply to their agencies' attorney
222 honors programs. Agencies without honors programs should consider establishing them.
223 Agencies should also consider hiring successful interns as Law Clerk Trainees upon such
224 students' graduation from law school, and then hiring them as 0905 attorneys
225 immediately after admission to a bar.

Commented [DMP15]: Is this intended to be an automatic occurrence or an option requiring a decision?

Hiring Presidential Management Fellows as 0905 Attorneys

226 22. Agencies should consider hiring Presidential Management Fellows (PMFs) who hold law
227 degrees as 0905 attorneys upon admission to a bar and successful completion of the PMF
228 program.

Commented [DMP16]: It appears that the recommendation is, essentially, that agencies take the additional administrative step mentioned above in the preamble. I suggest modifying paragraph 22 and the pertinent sentence in the preamble to recommend eliminating the additional step.

Ensuring Impartiality of Non-Administrative Law Judge (ALJ) Adjudicators

229 23. Agencies' guidelines and procedures for the hiring of non-ALJ adjudicators should be
230 designed and administered to ensure the hiring of such adjudicators who will carry out
231 the functions of the office with impartiality and maintain the appearance of impartiality.

Commented [DMP17]: See my comment above on the last paragraph of the preamble.



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APPENDIX

Page 5 of the preamble reads, in part, “[m]any 0905 attorney announcements . . . often contain dense, boilerplate language, job responsibilities that are difficult to decipher, and threats of facing jail time or paying fines.” The below language, excerpted from two recently posted vacancy announcements, demonstrates these problems.

VACANCY 1

SUMMARY

The incumbent serves as an attorney providing legal advice, research, analysis and interpretation of federal, state and local laws, as well as oral and written opinions, memoranda, pleadings, briefs and legal support of all [agency] programs and litigation, and performs other legal services as assigned.

RESPONSIBILITIES

Provides written and oral legal advice to [agency] officials in connection with the day-to-day operations of their programs.

Commented [DMP18]: Please see the comment I submitted previously, in which I suggested deleting the examples of what NOT to do.



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Reviews . . . grants proposed to be made under various [agency] . . . programs to ensure legal sufficiency . . .

Conducts and assists with litigation involving . . . programs, and officials, including preparing pleadings, interviewing witnesses, conducting depositions, and negotiating with opposing parties.

Conducts legal research to ensure that advice provided is based upon a sound understanding of the law and facts, and anticipates foreseeable consequences of advice provided.

Recommends actions to ensure that decisions made and actions taken are practical, effective, and legally sound and defensible.

Reviews and prepares various kinds of legal documents for general and specific use, including documents related to contracts, real property transactions, and other commercial transactions.

QUALIFICATIONS

Mastery of statutes, regulations, and legal precedents related to major [agency] program areas or relevant subject matter expertise to provide expert legal advice in regard to the assigned program area, develop or recommend litigation strategies and procedures, aid the [agency] in the trial of important or precedent-setting cases, and negotiate or participate in negotiating settlements on behalf of the [agency].

Mastery of a large and complex body of law in which precedents are frequently conflicting or non-existent to make determinations and reach conclusions which guide the Department or the Agency in resolving subsequent, similar problems; provide legal advice to heads of programs and Agencies on complex and difficult legal questions or factual issues; and write opinions and case assessment memoranda after conducting detailed factual and legal research.

Mastery of the principles and techniques of legal analysis and practice in order to prepare pleadings, motions, briefs, litigation reports, and related documents in connection with suits by and against the Government and determine in each case the nature of action or defense, the legal issues



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involved, the most effective course of action, and optimal strategies and tactics to be employed.

Comprehensive knowledge and understanding of missions and functions of the [agency] and its agencies or relevant subject matter expertise, as appropriate in order to provide legal services in support of [agency] programs and activities that are consistent with the strategic goals of [agency] and the priorities of the [agency head].

Mastery of the principles and techniques of written and oral communication to speak and write with clarity and tact to provide guidance on complex legal issues, secure acceptance of recommendations, prepare complex legal opinions, and effectively represent the [agency] in a variety of external interactions.

SPECIALIZED EXPERIENCE

Applicants should have demonstrated specialized experience in legal research, excellent writing and communication skills, and a strong academic record. This experience should be clearly documented in the cover letter and resume.

GS-12: One year of specialized experience, equivalent to the (GS-11) level in the Federal service or equivalent responsibility in the private sector/pay systems that has equipped you with the particular competencies to successfully perform as an Attorney Advisor. Examples of such experience include: Providing legal advice, research, analysis and interpretation of federal, state, and local laws; Writing opinions, memoranda, pleadings, briefs, and legal support of agency/organization programs and litigation; Performing other legal services as assigned; Rendering of legal advice, oral or written, to administrative officials in connection with the day-to-day operations of programs; preparing various kinds of legal documents, both for specific case use and for general use; Ability to conduct substantial research to handle cases involving the Department's programs; Ability to apply creative legal analysis and sound legal judgment to find appropriate precedent or distinguish applicable law or facts to support or justify legal positions.



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If you are relying on your education to meet qualification requirements: You **MUST** submit a copy of your transcript if you want to substitute your education for experience. If you claim qualifications based on education, and do not submit a transcript, your education will not be used in making a qualification determination and you may be found "not qualified".

Education must be accredited by an accrediting institution recognized by the U.S. Department of Education in order for it to be credited towards qualifications. Therefore, provide only the attendance and/or degrees from schools accredited by accrediting institutions recognized by the U.S. Department of Education.

You will be evaluated based on your qualifications for this position as evidenced by the education, experience, and training you described in your application package, as well as the responses to the Occupational Questionnaire to determine the degree to which you possess the knowledge, skills, abilities and competencies listed below:

Legal, Government, and Jurisprudence

Written Communication

Oral Communication

Problem Solving

Your application, including the online Assessment Questionnaire, will be reviewed to determine if you meet (a) minimum qualification requirements and (b) the resume supports the answers provided to the job-specific questions. Your resume must clearly support your responses to all the questions addressing experience and education relevant to this position. Those determined to be in the best qualified category will be referred to the selecting official for consideration

VACANCY 2

OTHER

Before hiring, an agency will ask you to complete a Declaration for Federal Employment to determine your suitability for Federal



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employment and to authorize a background investigation. The agency will also ask you to sign and certify the accuracy of all the information in your application. If you make a false statement in any part of your application, you may not be hired; you may be fired after you begin work; or you may be fined or jailed.

Page 5 of the preamble reads, in part, “[t]his Recommendation’s appendix offers [an example] of . . . an announcement that is written clearly and in a welcoming manner.” Below is such an announcement.



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OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF GENERAL COUNSEL
GENERAL ATTORNEY

Full-time, Permanent, GS-12/15 (Excepted Service)

The Office of Management and Budget (OMB) Office of General Counsel (OGC) is pleased to invite talented and enthusiastic attorneys to apply for a position in our office to serve as the lead attorney for matters involving the Office of the Federal Chief Information Officer (OFCIO) and the United States Digital Service (USDS). A successful candidate will have at least three years of focused experience with information technology laws and government contracting.

This position is a permanent position with a promotion potential to GS-15.

What Do We Do?

OMB OGC attorneys enjoy dynamic, exciting and fast-paced work, which includes regularly meeting with and advising staff and policy officials in the White House, OMB, and other agencies outside the Executive Office of the President (EOP).

OMB OGC provides legal advice and assistance on a full range of government-wide and agency-specific matters, including litigation matters and other consultation with the Department of Justice's litigation divisions and the Office of Legal Counsel. OMB OGC's practice spans the breadth of Federal practice, including novel and complex legal issues related to high-profile actions and important ethics law questions, legislative proposals, budget and appropriations, procurement policy, grants policy, financial management policy, cybersecurity, national security, trade policy, information technology, privacy, and litigation matters. The office also works on in-house legal matters, including personnel, compliance, ethics, and the Freedom of Information Act.

Position Summary

The attorney in this position will counsel OMB leadership, managers, and staff at all levels across OMB regarding a broad range of matters, including the Federal Information Systems Management Act (FISMA), the Federal Information Technology Reform Act (FITARA), and the Privacy Act, among others. The portfolio includes reviewing policy proposals for legality, soundness, advisability; legislative, fiscal, and programmatic implications; and overall effect on the operation of the Executive Branch.

The successful candidate will have experience in government procurement of information technology and software, including R&D contracts and those for sustainment and maintenance. He/she will also have knowledge of intellectual property licensing and data rights in government contracts, and a strong understanding of emerging issues in government contracting, IT procurement, and software development. A degree in computer science or other technical subject matter is desirable.

The successful candidate must be energetic, creative, and enjoy challenging and interesting legal challenges, and have the ability to work harmoniously with diverse groups of individuals.