

## **POSITION SUMMARY**

This position reports to the General Counsel and is responsible for providing comprehensive legal services to the Department, including requests for proposal and contract matters, and responding to legal inquiries from Department staff, management, participants, and other internal and external parties. Under the direction of the General Counsel, this position also oversees the Department's federal and tax compliance to ensure compliance with federal laws such as the Patient Protection and Affordable Care Act (ACA), the Consolidated Omnibus Budget Reconciliation Act (COBRA), Health Insurance Portability and Accountability Act (HIPAA), Title VII of the Civil Rights Act, and the continued tax qualified status of the Wisconsin Retirement System (WRS), the Section 125 (Cafeteria) Plan and ETF's other benefit programs.

Goals and responsibilities include: (a) providing review, analysis and language for requests for proposals, contracts, contract amendments, Non-Disclosure Agreements (NDAs), Data Sharing Agreements (DSAs), and Memoranda of Understanding (MOU); (b) performing legal research and analysis both proactively and in response to inquiries on the applicability of federal tax law to Department's programs; (c) performing legal research and analysis both proactively and in response to inquiries on the applicability of other federal laws to Department's programs; (d) providing comprehensive legal services for the Department, including responding to legal inquiries concerning ETF's benefit programs, including the Wisconsin Retirement System (WRS), the Group Health Insurance Program, and other ETF benefit programs as identified in Chapter 40 of the Wisconsin Statutes from courts, attorneys, legislators, participants, employers and other interested persons as required.

This position requires conduct consistent with the highest ethical standards and a constant awareness of the fiduciary duty owed by the trustees to those having a beneficial interest in the Public Employee Trust Fund. It also requires well developed oral, written, and interpersonal skills, the ability to adapt to, support, and influence changing management strategies and priorities, the ability to critically evaluate information and complete assignments in a timely manner while presenting viable alternatives for management's consideration, the ability to manage diverse assignments in a responsible and professional manner, and the ability to secure cooperation and consensus in situations where conflicting objectives exist.

The incumbent must also possess strong research, analytical, and organizational skills, as well as independently and satisfactorily resolve participant and employee issues in a timely and professional manner.

A State of Wisconsin license to practice law with good standing is required.

## **GOALS AND WORKER ACTIVITIES**

30% GOAL A: Performance of review, analysis, and recommendation of language appropriate for requests for proposals, requests for bids and contracts, Non-Disclosure Agreements, Data Sharing Agreements, and Memoranda of Understanding that are necessary to effectively implement Department benefit programs.

- A.1 Advise Department managers and staff on language to be included in requests for proposals, requests for bids, contracts, NDAs, DSAs, and MOU.

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- A.2 Work with managers and staff to ensure consistency among the Department's requests for proposals, requests for bids, contracts, NDAs, DSAs, and MOU.
- A.3 Interpret legal documents such as contracts, NDAs, and DSAs, and respond to questions and disputes involving benefit programs and related regulations, policies, and laws.
- A.4 Collaborate with applicable areas of the Department to determine how current or proposed programs of the Department could best be structured to comply with state and federal law; develop alternatives for structure and present recommendations and opinions to managers and staff.
- A.5 Assist and/or represent the General Counsel on miscellaneous legal document related duties and responsibilities as assigned.
- A.6 Work with staff to identify gaps and inadequacies in existing departmental policies, procedures, contracts, and other legal documents and recommend revisions.
- A.7 Work with staff to regularly review and update the Department Terms and Conditions, which are included in all Department contracts.

25% GOAL B: Oversight of Department programs' compliance with federal tax law.

- B.1 Oversee and monitor the compliance of the WRS and other programs with federal tax laws, regulations, and applicable guidance.
- B.2 Research, analyze, and interpret complex tax issues relating to the administration of benefits in the Department; exercise discretion and independent judgment in informing and directing executive leadership, management, and staff in the Department on necessary courses of action to maintain compliance with federal regulations.
- B.3 Analyze changes to federal laws, including Section 401(a), Section 403(b), and Section 457 of the IRC and the affect these changes have on the administration of the retirement system and other benefit programs. Develop, recommend, and enforce appropriate action such as statutory, system and/or procedure changes to maintain qualified plan status and to ensure continued tax law compliance.
- B.4 Work with division heads and program managers in implementing systems and procedure changes to ensure benefit programs comply with federal tax requirements and state statutes.
- B.5 Respond to questions from executive team leadership, program staff, WRS participating employers, and other stakeholders regarding federal tax compliance as it relates to the benefit programs administered by the Department.
- B.6 Provide knowledgeable research and recommendations to executive team leadership and staff regarding federal legal requirements.

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30% GOAL C: Oversight of Department programs' compliance with federal pension and benefit related laws.

- C.1 Oversee and monitor the retirement system and other programs' compliance with federal laws, regulations, and guidance.
- C.2 Proactively research, analyze, and interpret complex issues relating to the administration of benefits in the Department; exercise discretion and independent judgment in informing and directing executive leadership, management, and staff in the Department on necessary courses of action to maintain compliance with federal regulations.
- C.3 Analyze changes to federal laws, including the ACA, the CAA, COBRA, and Title VII and the affect these changes have on the administration of the retirement system and other benefit programs. Develop, recommend, and enforce appropriate action such as statutory, system and/or procedure changes to ensure continued compliance with federal law.
- C.4 Work with division heads and program managers in implementing systems and procedure changes to ensure benefit programs comply with federal tax requirements and state statutes.
- C.5 Respond to questions from executive team leadership, program staff, WRS participating employers and other stakeholders regarding federal compliance as it relates to the benefit programs administered by the Department.
- C.6 Provide knowledgeable research and recommendations to executive team leadership and staff regarding federal legal requirements.

15% GOAL D: Provision of comprehensive legal representation pertaining to the Department's various benefit programs.

- D.1 Prepare Department pleadings and other legal documents for presentation to the hearing examiners, Boards, or to the courts, as requested by the General Counsel.
- D.2 Serve as a resource to Department managers and staff by offering alternative interpretations of language in statutes, rules, plan documents and contracts that can be applied to the facts of a particular case.
- D.3 Respond to inquiries from courts, attorneys, participants, and other interested parties concerning legal issues pertaining to Wisconsin Retirement System benefits.
- D.4 Review and respond to legal documents pertaining to benefit programs administered by the Department.
- D.5 Work with agency management, legislators, attorneys, and other interested parties to discuss decisions and recommended changes to statutes, rules, and policies.
- D.6 Work on special projects as assigned by the General Counsel.

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**KNOWLEDGE, SKILLS, AND ABILITIES**

1. Knowledge of principles and techniques for provisions of legal advice and consultation services to agency program staff, executive staff, and governing bodies.
2. Knowledge of principles and techniques of litigation, including affirmative presentation of case, defense representation, intervention, negotiations, and those discovery techniques and evidentiary rules applicable to administrative proceedings.
3. Knowledge of administrative appeal process including laws, administrative rules and judicial review.
4. Knowledge of federal legal landscape governing qualified retirement plans, including: tax laws, rules, regulations, and other guidance (e.g., IRC 401(a), 403(b), 415, and 457).
5. Knowledge of standards and error mitigation protocols under the IRS Employee Plans Compliance Resolution System (EPCRS).
6. Knowledge of federal law governing retirement and health and welfare plans such as the Patient Protection and Affordable Care Act (ACA), the Consolidated Omnibus Budget Reconciliation Act (COBRA), Health Insurance Portability and Accountability Act (HIPAA), the Consolidated Appropriations Act of 2021 (CAA), and Title VII of the Civil Rights Act (Title VII).
7. Knowledge of applicable procedures of the Department and associated Boards.
8. Knowledge of governmental law including administrative law, state ethics law and rules, public records, and open meetings law.
9. Knowledge of legislative process, including how a bill becomes a law and administrative rule making.
10. Knowledge of contract law and insurance law, and techniques of negotiation.
11. Knowledge of workers compensation procedures and laws, and employment relations, including whistle-blower, employment discrimination and equal rights laws affecting employers.
12. Ability to analyze, interpret, and explain complex laws, rules, policies, and procedures.
13. Ability to analyze facts and problems, infer and decide on potential and appropriate solutions.
14. Strong intrapersonal skills to interact positively and effectively with a variety of persons at different levels within and outside the organization.
15. Excellent oral and written communication skills to deliver public presentations, develop legal correspondence, and facilitate meetings and investigations.
16. Knowledge of conflict management methods and techniques.
17. Ability to work effectively in team environments and to secure cooperation and agreement in situations where conflicting objectives exist.
18. Ability to approach problems with flexibility and propose innovative and original solutions.
19. Ability to recommend alternative approaches to existing processes and procedures while maintaining cooperation from all parties involved.
20. Knowledge of strategic planning and goal setting techniques.
21. Effective decision-making skills.

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22. Ability to understand and comply with all ETF standards and policies.

**Special Requirements**

Candidate must be licensed to practice law in the state of Wisconsin at the time of hire.