

POSITION SUMMARY

This position reports to the Chief Legal Counsel and is responsible for providing comprehensive legal services to the Department, including in litigation matters, and responding to legal inquiries from Department staff, management, participants and other internal and external parties. This position will assist the Department in working to resolve inquiries and disagreements at the most appropriate level.

Goals and responsibilities include: (a) providing legal consultation to the Department leadership in resolution of WRS and ETF related member disputes; (b) providing comprehensive legal representation for the Department in litigation matters; (c) 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; and (d) performing review, recommendation, and analysis of language appropriate for requests for proposals, requests for bids, contracts, and other documents related to ETF's benefit programs.

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 proactively identify issues and risks related to ETF's benefit programs, 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, provide consistent and effective leadership, 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

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| 50% | GOAL A: | Provision of legal consultation to the Department leadership in resolution of WRS and ETF related member disputes. |
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| A.1 | Provide legal expertise to the resolution of disagreements between members, employers, health plans, ETF, and its third-party administrators. | |
| A.2 | Work with members, employers, third-party administrators, attorneys as well as ETF staff and managers to resolve disagreements. | |
| A.3 | Participate in ETF's efforts to resolve disagreements with members early in the process. | |
| A.4 | Recommend alternative interpretations, and innovative methods and approaches for resolution of member disputes. | |
| A.5 | Attempt to resolve situations without the need to use the formal appeal process. | |
| A.6 | Inform members and their attorneys, when necessary, why under applicable statutes, administrative rules or plan documents, ETF is unable to comply with a member request. | |
| A.7 | Provide comprehensive legal representation pertaining to the issuance of departmental determinations. | |

- A.8 Serve as a resource to Department managers and staff by offering interpretations of language in statutes, rules, plan documents and contracts that can be applied to the facts of a particular case.

30% GOAL B: Provision of comprehensive legal representation pertaining to litigation matters.

- B.1 Prepare Department pleadings and other legal documents for presentation to the hearing examiners, Boards, or to the courts, as requested by the Chief Legal Counsel.
- B.2 Represent the Department in internal or external personnel matters, such as employee disciplinary proceedings, or state Equal Rights Division or federal Equal Employment Opportunity Commission cases, as requested by the Chief Legal Counsel.
- B.3 Collaborate with the Department of Justice (DOJ) to act as liaison when DOJ is representing ETF in litigation matters, as requested by the Chief Legal Counsel.
- B.4 Provide Department managers and staff with an analysis of administrative law and personnel law as applicable to situations brought to the attention of the Office of Legal Services.
- B.5 Offer recommendations for “lessons learned” to the managers and staff of the Department based on litigation matters involving DOJ, ETF administrative appeals, or other external litigation.

15% GOAL C: Provision of general legal consultation and liaison with internal and external parties on administrative procedures, personnel matters, and interpretations of law.

- C.1 Respond to inquiries from courts, attorneys, participants and other interested parties concerning legal issues pertaining to ETF’s benefit programs, such as the Wisconsin Retirement System, the Group Health Insurance Program, and ETF’s disability programs.
- C.2 Review and respond to out-of-state power of attorney documents and other such legal documents pertaining to benefit programs administered by the Department.
- C.3 Work with agency management, legislators, attorneys, and other interested parties to discuss decisions and recommended changes to statutes, rules, and policies.
- C.4 Work on special projects as assigned by the Chief Legal Counsel.
- C.5 Work with different areas of the department to identify bankruptcy filings by WRS members who also have overpayments, research and draft information for DOJ to request DOJ representation in bankruptcy court, and act as a liaison with DOJ to ensure that ETF’s interest in recouping overpayments amounts is protected.

5% GOAL D: Performance of review, analysis, and recommendation of language appropriate for requests for proposals, requests for bids and contracts that are necessary to effectively implement Department benefit programs, and support in responses to questions related to Wisconsin public records and open meetings laws.

- D.1 Advise Department managers and staff on language to be included in requests for proposals, requests for bids, contracts, Non-Disclosure Agreements (NDA), Data Sharing Agreements (DSA), and Memoranda of Understanding (MOU).
- D.2 Work with managers and staff to ensure consistency among the Department's requests for proposals, requests for bids contracts, Non-Disclosure Agreements, Data Sharing Agreements, and Memoranda of Understanding.
- D.3 Interpret governing documents such as contracts, NDAs, DSAs, and MOUs to respond to questions and disputes involving insurance programs and related regulations, policies, and laws.
- D.4 Determine how current or proposed programs of the Department could be structured to comply with state and federal law; develop alternatives for structure and present recommendations and opinions to managers and staff.
- D.5 Assist and/or represent the General Counsel on miscellaneous contract related duties and responsibilities as assigned.
- D.6 Work with staff to identify gaps and improvements in existing departmental policies and procedures and recommend revisions, when appropriate.
- D.7 Advise Department managers and staff on requests to release public records and personal identifying information.
- D.8 Respond to inquiries from board liaisons and other staff and managers pertaining to the Wisconsin Open Meetings Law and other matters involving the ETF Board and other boards attached to ETF.

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 applicable procedures of the Department and associated Boards.
5. Knowledge of government retirement, insurance, and other benefit programs.
6. Knowledge of governmental law including administrative law, state ethics law and rules, public records, and open meetings law.
7. Knowledge of administrative and managerial principles and techniques, including budget and personnel.
8. Knowledge of legislative process, including how a bill becomes a law and administrative rule making.
9. Knowledge of contract law and insurance law, and techniques of negotiation.
10. Knowledge of the Wisconsin Public Records Law.
11. Knowledge of the federal Employee Retirement Income Security Act (ERISA), the Patient Protection and Affordable Care Act (ACA), and the Health Insurance Portability and Accountability Act (HIPAA).
12. Knowledge of workers compensation procedures and laws, and employment relations, including whistle-blower, employment discrimination and equal rights laws, such as Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), and the Wisconsin Fair Employment Act (WFEA).

13. Ability to analyze, interpret, and explain complex laws, rules, policies, and procedures.
14. Ability to analyze facts and problems, infer and decide on potential and appropriate solutions.
15. Ability to provide legal advice and support.
16. Strong intrapersonal skills to interact positively and effectively with a variety of persons at different levels within and outside the organization.
17. Excellent oral and written communication skills to deliver public presentations, develop legal correspondence, and facilitate meetings and investigations.
18. Knowledge of conflict management methods and techniques.
19. Ability to work effectively in team environments and to secure cooperation and agreement in situations where conflicting objectives exist.
20. Ability to approach problems with flexibility and propose innovative and original solutions.
21. Ability to recommend alternative approaches to existing processes and procedures while maintaining cooperation from all parties involved.
22. Knowledge of strategic planning and goal setting techniques.
23. Effective decision-making skills.
24. 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.