

TEXAS DEPARTMENT OF AGRICULTURE

COMMISSIONER
SID MILLER

POSTING #15-322-1R

POSITION DESCRIPTION

ASSISTANT GENERAL COUNSEL

CLASSIFICATION TITLE: Attorney IV
CLASSIFICATION NO: 3504
LOCATION: Austin

SALARY: B25, \$5,750-\$5,975.00/MO
FLSA: Exempt

JOB OBJECTIVE: Perform highly complex legal work involving planning and organizing legal services; interpreting laws and regulations; preparing legal opinions, briefs and other legal documents; rendering legal advice and counsel to the client agency; consulting with trial attorneys, including assisting in the preparation of cases for trial; represent the agency at administrative hearings to suspend, revoke, probate or deny the application for licenses or permits issued by the Texas Department of Agriculture (TDA) or to assess administrative penalties for violations of laws within TDA's jurisdiction; process public information requests; and assist with appeals of program decisions.

ESSENTIAL DUTIES:

1. Prosecute assigned cases involving TDA's regulatory functions. Duties include, but are not limited to:
 - assist in informal and formal case review;
 - draft and issue notices of violation and other enforcement notices or actions;
 - draft appropriate discovery documents;
 - coordinate with TDA staff and other state agencies or private parties regarding the presentation of evidence, including expert testimony;
 - draft and file proposed findings of fact and conclusions of law, exceptions to proposals for decision, and responses to such exceptions, motions for rehearing, or other motions attendant to the contested-case process;
 - represent the agency in hearings before administrative law judges;
 - negotiate and settle cases referred for prosecution; and
 - review, prepare and refer cases to the Office of the Attorney General (OAG), as appropriate.
2. Review cases for which prosecution is deferred or unwarranted.
3. Provide formal and informal legal advice to assigned programs in the agency, including reviewing and drafting contracts or other agreements, correspondence, forms, training materials, penalty schedules, regulations, proposed legislation and other miscellaneous documents.
4. Provide legal analysis and research support for the General Counsel on specific issues of importance to Texas agriculture, as assigned.
5. Prepare training materials for TDA employees on legal issues, including investigative techniques, and present such materials, as assigned.
6. Prepare and provide presentations to the public and regulated community regarding TDA programs.
7. Serve as a liaison with OAG on referred cases or lawsuits filed against the agency.
8. Provide legal advice on and review materials submitted by requestors under the Texas Public Information Act or sent in response to such requests.
9. Handle inquiries from other state agencies, federal agencies or the public on the application and interpretation of laws within TDA's jurisdiction.
10. Handle calls from the public regarding agency functions and enforcement activities.
11. Assist with the preparation of agency statistical information for the Legislative Budget Board, Environmental Protections Agency or other reporting purposes.
12. Adhere to established work schedule with regular attendance.
13. Follow all TDA safety guidelines/procedures and ethics requirements.

NON-ESSENTIAL DUTIES:

14. Perform other duties as assigned.

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QUALIFICATION/REQUIREMENTS (The application must specifically state how each of the following qualifications are met):

- Graduation from an accredited four-year college or university and an accredited law school with a LL.B. or J.D. degree and a licensed to practice law in the State of Texas;
- Minimum five years work experience as a licensed attorney analyzing legal problems, preparing sound opinions and interpreting laws and/or regulations;
- Work experience preparing and litigating cases in civil or criminal trials or administrative hearings;
- In-depth work experience in litigation or administrative law, including first chair hearing or trial experience;
- Work experience performing legal research and preparing briefs;
- Experience making presentations to groups; and
- Required to travel up to 15% of the work period.

KNOWLEDGE, SKILLS AND ABILITIES (The application must specifically state how each of the following qualifications are met):

- Knowledge of legal principles, practices and proceedings;
- Effective verbal and written communication, human relations, organizational and presentation skills;
- Skill in providing excellent customer service to both internal and external customers;
- Skill in operating a personal computer with word processing, database and spreadsheet software;
- Effective legal research skills, including computer-assisted research;
- Effective critical thinking skills;
- Ability to analyze problems, evaluate alternatives, and recommend effective solutions;
- Ability to process information in a logical manner and to assess validity;
- Strict adherence to the ethical and professional obligations of an attorney;
- Ability to work in a setting requiring self-motivation/cooperative decision-making and to work effectively with diverse groups of people;
- Ability to work effectively under pressure and meet strict deadlines while maintaining extreme attention to detail;
- Ability to plan, organize and work independently, as well as within a team environment;
- Ability to adapt successfully and quickly to change and deliver quality results in a timely manner;
- Ability to exercise sound judgment and discretion; and
- Ability to maintain the highest level of confidentiality.

ENVIRONMENT/PHYSICAL CONDITIONS: Normal office work environment, mostly sedentary in nature. May involve walking; standing; pulling and pushing; kneeling, stooping and bending; and safely lifting and carrying items weighing up to 30 pounds. May involve travel, occasionally overnight, and working overtime, to include evenings and weekends as needed.

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A skills exercise will be conducted at the time of the interview.

The Texas Department of Agriculture is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, national origin, age or disability in recruitment, selection, appointment, training, promotion, retention or any other personnel action or deny any benefits or participation in programs or activities which it sponsors. Applicants should communicate requests for disability-related accommodations during the application process to our Human Resources Office at 512-463-7648. 1-800-RELAY TX (for hearing impaired).

Section 651.005 of the Government Code requires males, ages 18 through 25, to provide proof of their Selective Service registration or of their exemption from the requirement as a condition of state employment.

As part of the employment process, TDA may conduct a driving and criminal background check. Unsatisfactory information relevant to the position may disqualify the applicant from employment.

Only applicants interviewed will be notified of their selection or non-selection. Resumes will not be accepted in place of a completed application.

Website: www.TexasAgriculture.gov

Email: TDAJobs@TexasAgriculture.gov

TDA participates in E-Verify and will provide the Social Security Administration and, if necessary, the Department of Homeland Security with information from each new employee's Form I-9 to confirm work authorization.

* [E-Verify Participation Poster \(English\)](#)

* [E-Verify Participation Poster \(Spanish\)](#)

* [Right to Work Poster \(English\)](#)

* [Right to Work Poster \(Spanish\)](#)

To apply for this position, please complete the electronic State of Texas Application for Employment through www.WorkInTexas.com or submit a State of Texas Application for Employment to TDA, Attention Human Resources, P.O. Box 12847, Austin, Texas, 78711-2847, or by fax at (512) 800-1574, or in person at 1700 North Congress Ave., 11th Floor Reception Desk, Austin, Texas, 78701, or by email to TDAJobs@TexasAgriculture.gov.