

# Position Description

Read each heading carefully before proceeding. Make statements simple, brief, and complete. Be certain the form is signed. Send the original to the Office of Personnel Services.

CHECK ONE: ☐ NEW POSITION ☒ EXISTING POSITION ☒ UNCLASSIFIED

## Part 1 - Items 1 through 12 to be completed by department head or personnel office.

1. Agency Name Department for Children and Families		9. Position No. K0241133	10. Budget Program Number		Agency Number	
2. Employee Name (leave blank if position vacant)			11. Present Class Title (if existing position) Regional Attorney			
3. Division Legal			12. Proposed Class Title			
4. Section Administration	For  Use  By  Personnel  Office	13. Allocation				
5. Unit Wichita Region Legal		14. Effective Date				
6. Location (address where employee works)  City Wichita County Sedgwick		15. By	Approved			
7. (circle appropriate time) Full time X Perm. Inter. Part time Temp. % Regular		16. Audit Date: By: Date: By:				
8. Regular hours of work: (circle appropriate time)  FROM: 8:00 AM To: 5:00 PM		17. Audit Date: By: Date: By:				
						Position Number

## PART II - To be completed by department head, personnel office or supervisor of the position.

18. If this is a request to reallocate a position, briefly describe the reorganization, reassignment of work, new function added by law or other factors which changed the duties and responsibilities of the position:

19. Who is the supervisor of this position? (person who assigns work, gives directions, answers questions and is directly in charge)?

Name	Title	Position Number
------	-------	-----------------

Erin Sizemore

Lead Regional Attorney

K0214646

Who evaluates the work of an incumbent in this position?

Name

Title

Position Number

Erin Sizemore

Lead Regional Attorney

K0214646

20. a) How much latitude is allowed employee in completing the work? b) What kinds of instructions, methods and guidelines are given to the employee in this position to help do the work? c) State how and in what detail assignments are made.

Employee is given wide latitude in completing the work and the work is done independently with administrative direction only. Employee may telework to complete most tasks, if desired. Employee is expected to research, interpret and follow State and Federal regulations, policies, manuals and rules as they apply to the work done by the agency. Assignments come from all the various agency programs, including human resources and supervisors, through the receipt of appeals and lawsuits and requests of the court and community partners as needed.

21. Describe the work of this position using the page or one additional page only. (Use the following format for describing job duties):

**What** is the action being done (use an action verb); to **whom** or **what** is the action directed (object of action); **why** is the action being done (be brief); **how** is the action being done (be brief). For each task state: Who reviews it? How often? What is it reviewed for?

**Number Each Task and Indicate Percent of Time and Identity each function as essential or marginal by placing an E or M next to the % of time for each task.** Essential functions are the primary job duties for which the position was created and that an employee must be able to perform, with or without reasonable accommodation. A marginal function is a peripheral, incident of minimal part of the position.

No. Each Task and Indicate Percent of Time	E or M	<p>The person in this position has access to protected health information (PHI) under the provisions of the Health Information Portability Act of 1996 (HIPPA) Privacy Rule. PHI must be treated in accordance with the provisions of the HIPAA Privacy Regulation including the requirements for safeguarding, releasing and recording the release of such information. The person will receive training in the provision of the HIPAA Privacy Regulations as they relate to the duties of this position and will sign a confidentiality agreement.</p> <p>In addition to the tasks listed below, the incumbent is expected to communicate the Mission, Vision and Guiding Principles of the agency to peers, clients and the public; identify personal strengths and developmental needs to increase job performance and long-term career growth. Continually analyze work processes, seek new approaches and make recommendations to enhance efficiency and effectiveness of the agency. Works in a harmonious and cooperative fashion with other staff to provide efficient and effective customer service. Uses free time as available to assist other staff in the completion of work assignments. Contributes to a positive work environment through a positive, helpful, courteous demeanor towards co-workers, staff, clients, and the general public. Adheres to appropriate standards of conduct regarding the use of leave and reports to work on time.</p>
40%	E	<p><b><u>Litigation/Representation:</u></b> This position is responsible for representing DCF in all types of litigation including administrative appeals, district courts (both state and federal) and in appellate courts. The attorney represents the Secretary of DCF, the agency and in some instances the appointing authority (typically the regional director).</p> <p>The position requires extensive legal knowledge in a wide variety of areas including Child Protection Services, Adult Protection Services, Employment and Economic Services, Rehabilitation Services and employment law. The responsibilities of this position range in difficulty from the simple to the very complex. The attorney must exercise sound independent professional judgment in processing cases and controversies while maintaining the highest ethical standards of the legal profession and governmental employment.</p> <p>The attorney investigates and researches factual and legal circumstances surrounding a disputed matter, including conferring with staff, witnesses, law enforcement, experts in various fields and others as required. The attorney also reviews the records and documents of each case assigned. The attorney directs investigations assigned to special investigators so all relevant and material information that may reasonably be known is gathered and documented to ensure a just decision and outcome for DCF and the public it serves.</p> <p>The attorney conducts legal research, drafts legal documents and files pleadings and briefs which are in compliance with the rules of the Supreme Court and any applicable local court rules. The types of documents filed in this position include petitions for guardianship; appeal summaries in abuse/neglect cases; protective orders for DCF records; miscellaneous types of written discovery; answers; affidavits; various types of motions; prehearing or pretrial questionnaires; requests for subpoenas. Other documents such as trial notebooks may also be prepared during litigation.</p>

25%

E

In consultation with the appropriate program staff, when appropriate, attorney conducts settlement negotiations, participates in mediation, and executes settlement agreements or other alternatives to litigation as appropriate.

Legal Advice/Consultation — This position is responsible for providing sound legal advice and consultation to DCF program staff, managers and regional leadership in a timely manner. The attorney will need to be familiar with applicable statutes including the Code of Care for Children, Kansas Administrative Regulations, and guardianship statutes. The attorney will also need to know the applicable regulations and policies regarding DCF programs. The attorney is expected to conduct legal research when necessary to ensure they provide accurate advice.

The attorney is expected to work collaboratively with social workers regarding serious cases of abuse/neglect and help determine if there is sufficient evidence to make findings. The attorney will represent the agency when abuse and neglect findings are appealed to the Office of Administrative Hearings. The attorney is to provide consultation in adult protection cases to determine when actions for guardianship and/or conservatorship should be filed. The attorney will provide consultation and assistance to caseworkers in Economic and Employment Services (EES) and Adult Protection Services (APS) regarding administrative appeals and will help determine when legal representation is needed in those cases.

The attorney also provides legal advice on a variety of issues including employment law, employee complaints, investigations, local contract and grant issues, memorandums of understanding with DCF partners, fraud cases, etc.

15%

E

Records Review The attorney shall become familiar with applicable laws, regulations and policy provisions which place restrictions or limitations on disclosure of agency records or information. The attorney shall file any necessary objections, motions to quash or motions for protective orders in response to subpoenas or discovery requests they receive for DCF records. Attorneys and their staff are responsible for ensuring that confidential information in those documents is redacted before they are released.

The attorney also will receive requests for records under the Kansas Open Records Act (KORA) and will need to coordinate the response to KORA requests with the designated DCF KORA officer to ensure compliance with the act in a timely manner. Non-KORA requests are also handled by the attorney.

Any legal action or citation in contempt filed against DCF, the Secretary or any DCF employee should be promptly reviewed by the attorney and notice given to the Office of General Counsel to work collaboratively on a response in defending DCF.

Reviews contracts, journal entries, court orders, trusts and other documents as needed to ensure that the Agency's goals and mission are accomplished. Further, this attorney reviews journal entries of termination of parental rights to children, consents for adoption packets and relinquishment forms for accuracy and prepares or oversees that documents are prepared to correct inaccuracies or omissions.

10%

E

Staff Communications: This position has on-going daily contact with program staff, other attorneys, judges, hearing officers, governmental employees and officers, community partners, contractor's staff and community representatives to ensure that DCF work is carried out efficiently and accurately.

10%	E	<p>In addition to the role this position has in providing legal consultation to staff regarding specific cases which are listed above, this position also has the following responsibilities regarding communication:</p> <ul style="list-style-type: none"> <li>•Keep staff and leadership apprised of revised or new statutes, and case law as well as changes in regulation that impact DCF policies and programs.</li> <li>•Conduct legal research as needed to interpret new cases, statutes, regulations and manuals for impact on programs and communicate to staff.</li> <li>•Counsel DCF staff on courses of action that are in compliance and consistent with established agency policies, procedures and the law.</li> <li>•Counsel and advise the Regional Director and other DCF staff on the status of the law with regard to their duties, obligations and potential liabilities.</li> <li>•Respond in a timely manner to telephone calls, e-mails and other inquiries by the courts, attorneys, co-workers, staff, contractors and community partners regarding legal issues, pending court cases, KORA or other document requests.</li> <li>•Act as coordinator/mediator between the agency, district attorney, guardian ad litem, and the Court to facilitate positive working relationships and understanding of each other's roles, duties and issues presented.</li> <li>•When necessary, coordinates corrections in legal sufficiency of journal entries terminating or relinquishing parental rights, awarding guardianships and other matters.</li> <li>•Review agency case findings and consult with staff regarding findings.</li> <li>•Meet with agency staff on routine basis for case staffings.</li> <li>•Act as coordinator/mediator between the agency, district attorney, guardian ad litem, and the Court to facilitate positive working relationships and understanding of each other's roles, duties and issues presented.</li> </ul> <p>Development/Training Attorney should identify legal training needed in the region to assist staff with their duties such as ways to improve documentation of abuse investigations; going through the administrative appeal process etc. Attorney will provide training to staff as needed to improve staff's effectiveness in legal matters and provide better delivery of services to carry out DCF's missions and goals.</p> <p>Attorney will also participate in agency related conferences and community education. Attorney should identify courses which benefit their work at DCF and get the necessary number of hours of continuing education to maintain their license in Kansas annually. Performs miscellaneous duties as assigned by supervisor, regional director, and Office of General Counsel.</p>
-----	---	--

22. a. If work involves leadership, supervisory, or management responsibilities, check the statement which best describes the position:

- ( ) Lead worker assigns, trains, schedules, oversees, or reviews work of others.  
 ( ) Plans, staffs, evaluates, and directs work of employees of a work unit.  
 ( ) Delegates authority to carry out work of a unit to subordinate supervisors or managers.

b. List the names, class titles, and position numbers of all persons who are supervised directly by employee on this position.

---

23. Which statement best describes the results of error in action or decision of this employee?

- ☐ Minimal property damage, minor injury, minor disruption of the flow of work.
- ☐ Moderate loss of time, injury, damage or adverse impact on healthy and welfare of others.
- ☒ Major program failure, major property loss, or serious injury or incapacitation.
- ☐ Loss of life, disruption of operations of a major agency.

Please give examples.

The Agency would face serious legal repercussions if essential functions of this position are not performed. A major error in research, legal tactics or presentation in litigation, or failure to meet deadlines could create fiscal obligations for the Agency or cause program disruption. Further failure to exercise due diligence in carrying out the duties assigned to this position could negatively impact families, elderly and disabled individuals and litigants and has the potential for diminishing the reputation of the Agency in the community.

---

24. For what purpose, with whom and how frequently are contacts made with the public, other employees or officials?

Extensive contact with the public, courts, attorneys, contractors and community partners and other governmental employees.

---

25. What hazards, risks or discomforts exist on the job or in the work environment?

Frequent verbal threats of retaliation or other forms of harassment from disgruntled litigants or unhappy consumers. Extra precautions for security and safety are needed to prevent physical or professional harm to the attorneys, other DCF staff, witnesses or bystanders.

---

26. List machines or equipment used regularly in the work of this position. Indicate the frequency with which they are used:

**Possible daily use includes but not limited to the following:**

Personal Computer – Daily

Copier – Daily

Telephone — daily

Cell Phone Daily

Fax — as needed

Vehicle for business travel — as needed

---

**PART III - To be completed by the department head or personnel office**

---

27. List the minimum amounts of education and experience which you believe to be necessary for an employee to begin employment in this position.

---

Education or Training - special or professional

Juris Doctorate degree

---

Licenses, certificates and registrations

Certificate of admission to the Bar of the Supreme Court of Kansas or temporary permit to practice law issued by the Supreme Court of Kansas at the time of hire. Some positions may require additional minimum requirements that will be specified on the position description.

Must have and maintain a valid driver's license.

---

Special knowledge, skills and abilities

---

Experience - length in years and kind

---

**28. SPECIAL QUALIFICATIONS**

State any additional qualifications for this position that are necessary either as a physical requirement of an incumbent on the job, a necessary special requirement, a bona fide occupational qualification (BFOQ) or other requirement that does not contradict the education and experience statement on the class specification. A special requirement must be listed here in order to obtain selective certification.

Must maintain security clearance throughout employment.

---

Signature of Employee

Date

---

Signature of Personnel Official

Date

**Approved:**

---

Signature of Supervisor

Date

---

Signature of Agency Head or  
Appointing Authority

Date