

Classification: Attorney - Confidential

POSITION SUMMARY:

Under general supervision in the most complex cases conducts: (1) administrative hearings in unfair labor practice, election/unit clarification, State civil service personnel, and declaratory ruling cases and prepares findings of fact, conclusions of law and orders for issuance or for Commission; (2) grievance arbitration hearings and issues final and binding grievance arbitration awards; and (3) mediation sessions and informal and formal investigations into interest arbitration and fact-finding petitions.

Goals and Worker Activities:

- 70% A. Schedule and conduct administrative hearings pursuant to Chapter 227 and §§ 111.05-07, 111.70(3) and (4), 111.83, 111.84, and 230.44 and .45, Stats., in election/unit clarification, unfair labor practice, State civil service personnel, and declaratory ruling cases at dispute site or another appropriate location and prepare findings of fact, conclusions of law and orders.
- A.1 Schedule hearings and prepare notice of hearing.
- A.2 Conduct pre-hearing conference pursuant to § 227.44, Stats.
- A.3 Rule on or prepare draft for the Commission to rule on all pre-hearing motions, e.g. to make more definite and certain, postponements, dismissal, lack of prosecution, requests for subpoena(s), quashing of subpoena(s), etc.
- A.4 Conduct hearing and rule on all procedural motions and evidentiary Objections.
- A.5 Invite oral argument or establish a briefing schedule.
- A.6 Rule on or prepare draft for the Commission to rule on all post-hearing motions.
- A.7 Review record and perform any necessary research.
- A.8 In election/unit clarification and declaratory ruling cases, prepare drafts of findings of fact, conclusions of law and order with accompanying memorandum for review and discussion by the Commission. In unfair labor practice cases, without consultation with the Commission, prepare findings of fact, conclusions of law, orders and memorandum. In State civil service personnel cases, prepare and issue proposed decision and order or notice of arbitrator's decision.

- 15% B. In accordance with the provisions of §§. 111.11(1), 111.70(4)(c)1 and 3, 111.70(4)(cm)3, 111.70(4)(jm), 111.77(3), 111.87 and 111.88, Stats., and Chapters ERC 6, 13, 14, 24, 25, 30, 31 and 32, schedule and conduct mediations and formal and informal investigations into interest-arbitration and fact-finding petitions and prepare certifications of impasse and orders for arbitration.
- B.1 Promptly contact the parties of the dispute to schedule a mediation session or informal investigation into an interest arbitration or fact-finding petition.
- B.2 Meet with the parties and assist in resolving or narrowing the dispute by defining the issues in dispute, determining the parties' priorities and flexibility, advising the parties relative to statutory and Commission law concerning various proposals being advanced and discussed, drafting or assisting with drafting compromise proposals, and/or contract language, suggesting compromise proposals, and persisting in exploring alternative resolutions for the dispute until the dispute is resolved or satisfied the parties at impasse.
- B.3 If impasse is reached, collect final offers of the parties in interest arbitration and fact-finding petitions and close the investigation in conformance with ERC 14, 25, 30, 31 and 32 and applicable case law.
- 10% C. Schedule and conduct grievance arbitration hearings and issue final and binding awards in conformance with Wisconsin Statutes and arbitral common law.
- C.1 Obtain concurrence to the request for arbitration.
- C.2 Make any disclosures required by Commission policy.
- C.3 Rule on pre-hearing motions relative to procedural and substantive issues, e.g., bifurcation of the hearing, issuance of subpoenas, sequestration of witnesses, transcripts or recording of the hearing, public or closed hearing, determining the order of presentation.
- C.4 At the beginning of the hearing, attempt to obtain stipulations as to exhibits, facts, issues, and order of proof. Ask the parties if they wish to pursue settlement discussions prior to going on the record.
- C.5 Conduct the hearing including obtaining opening statements, receiving documentary evidence and witness testimony, making evidentiary rulings on testimony and exhibits, and examining witnesses
- C.6 Obtain closing arguments or establish a post-hearing briefing schedule at the conclusion of the hearing.

- C.7 Review the record and perform appropriate research.
- C.8 Prepare and issue a final and binding award which sets forth pertinent facts, contract language, parties' positions, and the rationale for the resolution of the issues presented, and the remedy ordered.
- C.9 Retain jurisdiction, where appropriate, to resolve any issues arising relative to implementation of the award.

5% D. Other duties as assigned.

Knowledge, Skills & Abilities:

- Strong written and oral communication skills
- Ability to empathize with persons and groups of different social, cultural and educational backgrounds
- Ability to persuade
- Ability to maintain performance level under stress for prolonged periods (physical and mental stamina)
- Ability to manage multiple and competing assignments
- Ability to perform high quality legal research
- Ability to work effectively with pro se litigants
- General knowledge of collective bargaining principles and terminology, with the ability to interpret related legislation, statutes, and agreements
- General knowledge of arbitration, and mediation practices
- General knowledge of labor, constitutional (state and federal), and administrative law
- General knowledge of Chapter 227 of the Wisconsin Statutes pertaining to administrative hearings
- General knowledge of state and local government structure and operation

SPECIAL REQUIREMENTS:

Law degree and Wisconsin law license upon appointment. Occasional to frequent travel is required, including some overnight travel.