



U. S. Occupational Safety and Health Review Commission

SENIOR EXECUTIVE SERVICE VACANCY ANNOUNCEMENT

VACANCY ANNOUNCEMENT NUMBER: SES-2008-01

OPENS: 6/9/08

CLOSES: 6/24/08

POSITION:

General Counsel

PAY PLAN, SERIES:

ES-0905

SALARY:

\$114,468 - \$158,500 per annum

AREA OF CONSIDERATION:

All Qualified Persons within the Federal Civil Service

DUTY STATION

U. S. Occupational Safety and Health Review Commission
1120 20th Street NW, 9th Floor
Washington, DC 20036-3457

NOTE: This is a Career Senior Executive Service (SES) Appointment. Persons newly appointed to an SES position must have their managerial qualifications approved by the Office of Personnel Management (OPM), and will be required to serve a one-year probationary period. Additionally, the individual selected will be subject to the necessary security investigation and reporting requirements of the Ethics in Government Act of 1978.

Major Duties and Responsibilities:

The U.S. Occupational Safety and Health Review Commission is an independent, adjudicatory agency created by the Occupational Safety and Health Act (OSHA) of 1970. Its sole statutory mandate is to serve as an administrative court providing just and expeditious resolution of disputes involving OSHA, employers charged with violations of Federal safety and health standards, and employees and/or their representatives. The Review Commission was created by Congress as an agency completely independent of the Department of Labor to ensure that OSHA's enforcement actions are carried out in accordance with the law and that all parties consistent with due process should a dispute arise.

Under the general direction of the Chairman of the Review Commission, the General Counsel serves as legal advisor to the Commission with respect to case adjudication matters, serves as the primary legal advisor to the Chairman on major policy issues involving agency operations, administrative and

operational problems, conflicts of interest, rules of conduct, financial interest statement, procurement issues, and other legal matters involving the administrative operations of the Commission.

Duties include but are not limited to the following:

Responsibility for the management of the General Counsel's Office (OGC) with regard to work processes, products presented, and for handling all personnel and administrative matters. This includes:

- 1) Screening cases in which proposed decisions and orders have been rendered by Commission Administrative Law Judges (ALJ) for conformity with Commission precedent and policy;
- 2) Reviewing ALJ decisions in which petitions for review are filed including citations of violations, ALJ decisions, initial memoranda and Directions for Review. Based on the incumbent's expertise in safety and health law, knowledge of Review Commission policies, precedents and relevant court of appeals decisions, providing guidance on the treatment of issues raised or lack thereof, the logic of findings, and alternative approaches given novelty of the case and ensuring advisory memoranda are developed regarding whether the Commissioners should direct review;
- 3) Discussing with the Chairman as well as staff attorneys in private or at open meetings individual assignments, the status of pending cases, Commission decisions and/or Court of Appeals actions, and the significance of decisions issued by other regulatory agencies;
- 4) Supervising the professional development of OGC staff. Assuring that assignments are diverse and correspond to the particular individual's level of expertise and experience. Suggesting appropriate training, evaluating performance, recommending promotions or, if need be, disciplinary actions, approving leave, and receiving and resolving informal complaints;
- 5) Prior to circulation to the Chief Counsels, reviewing completed assignments (i.e., decisional memoranda, draft decisions, or recommendations for disposition of interlocutory appeals and motions) for legal and factual sufficiency, presentation of the subject matter and adequacy of arguments therein;
- 6) Attending Commission Agenda meetings, Post-Agenda meetings and meetings for the purpose of: 1) discussing cases that present major questions of law and policy, particularly with respect to legal sufficiency, principles, techniques, standards, policies and Commission precedent; and 2) assuring that draft decisions conform to the votes taken at Commission meetings; and
- 7) Working closely with the Chairman in coordinating the overall management of case load.

Basic Qualification Requirements: Applicants must be a graduate from a law school accredited by the American Bar Association and must be a member in good standing of a state, territory of the United States, District of Columbia, or Commonwealth of Puerto Rico bar. Additionally, in order to qualify for this position, applicants must possess the knowledge, skills and abilities in paragraph A and B below.

COMPETITIVE REQUIREMENTS:

A. Mandatory Professional/Technical Qualifications

Eligibility for this position will be based on a clear showing that the applicant has had experience of the scope and quality sufficient to carry out the assignments of the position. In addition to the basic qualification listed above, each applicant must meet the following technical qualifications to be deemed eligible for consideration. Applicants are required to submit a written narrative statement addressing the following technical qualifications listed below. Failure to provide sufficient information relative to your qualifications for this position will render an ineligible rating, and no further consideration will be granted.

1. Knowledge and demonstrated expertise necessary to serve as primary legal advisor on major issues involving agency operations, administrative and operational problems, conflicts of interest, rules of conduct, financial interest statements, procurement issues, and other legal issues in a complex legal environment.
2. Demonstrated ability to provide sound legal advice to federal officials concerning government programs and operations. Outstanding ability to communicate such advice orally and in writing.
3. Knowledge of the provisions of the Occupational Safety and Health Act of 1970, and the Occupational Safety and Health Review Commission's Rule of Procedure for providing fair and impartial adjudication of cases concerning the safety and health of employees' working conditions in the United States.
4. Demonstrated ability to manage attorneys and legal support staff.

B. OPM Executive Core Qualifications (ECQs)

If you are applying for an initial SES career appointment, you must also clearly demonstrate that you possess the broad executive core qualifications needed to succeed in the SES by providing a written summary of each of the five required qualifications: (1) Leading Change; (2) Leading People; (3) Results Drive; (4) Business Acumen; and (5) Building Coalitions/Communication.

NOTE: SES members and candidates who have been OPM/QRB certified are not required to provide information on the Mandatory Executive Core Qualifications.

1. Leading Change

This core qualification encompasses the ability to develop and implement an organizational vision that integrates key national and program goals, priorities, values, and other factors. Inherent to it is the ability to balance change and continuity--to continually strive to improve customer service and program performance within the basic Government framework, to create a work environment that encourages creative thinking, and to maintain focus, intensity and persistence, even under adversity. Leadership Competencies: Creativity and Innovation, Continual Learning, External Awareness, Flexibility, Resilience, Public Service Motivation, Strategic Thinking and Vision.

II. Leading People

This core qualification involves the ability to design and implement strategies, which maximize employee potential and foster high ethical standards in meeting the organization's vision, mission, and goals.

Leadership Competencies: Conflict Management, Leveraging Diversity, Developing Others, Integrity/Honesty and Team Building.

III. Results Driven

This core qualification stresses accountability and continuous improvement. It includes the ability to make timely and effective decisions and produce results through strategic planning and the implementation and evaluation of programs and policies.

Leadership Competencies: Accountability, Customer Service, Decisiveness, Entrepreneurship, Problem Solving and Technical Credibility.

IV. Business Acumen

The core qualifications involves the ability to acquire and administer human, financial, material, and information resources in a manner which instills public trust and accomplishes the organization's mission, and to use new technology to enhance decision making.

Leadership Competencies: Financial Management, Human Capital Management and Technology Management.

V. Building Coalitions/Communication

This core qualification involves the ability to explain, advocate and express facts and ideas in a convincing manner and negotiate with individuals and groups internally and externally. It also involves the ability to develop an expansive professional network with other organizations, and to identify the internal and external politics that impact the work of the organization.

Leadership Competencies: Influencing/Negotiating, Interpersonal Skills, Oral Communication, Partnering, Political Savvy and Written Communication.

Evaluation Method

All candidates will be evaluated to determine whether they meet the mandatory professional/technical qualification requirements and the mandatory managerial/executive qualifications described above. Those who meet the mandatory qualifications will be further evaluated on the extent to which they exceed the mandatory managerial/executive qualifications. Candidates who fail to meet the mandatory professional/technical qualification requirements and the OPM executive core qualifications will not receive further consideration. The OSHRC Executive Resources Board (ERB) will consider related experience, education, training, awards, assessments and appraisals, and professional references and will refer the top applicants for selection to the selecting official. In most cases, an individual's executive qualifications must also be certified by the OPM Qualifications Review Board (QRB) as a prerequisite to final selection.

Applicants must provide detailed evidence that they possess the required experience, knowledge, skill, ability and other personal characteristics and must show how and when they were used. This evidence must include clear, concise examples that show level of accomplishment and degree of responsibility. Qualification determinations will be based on the information provided. Qualified candidates will be grouped into broad categories of best qualified, highly qualified, and minimally qualified. The best-qualified candidates will be referred to the recommending official, along with written documentation supporting their evaluation.

How to Apply: To receive consideration for this position, send the following forms to:

U.S. Occupational Safety and Health Review Commission
1120 20th Street NW, 9th Floor
Washington, DC 20036-3457
Attn: Linda Beard

Telephone: (202) 606-5393

OR

Email resumes to lbeard@oshrc.gov

1. Applicants must submit a résumé, the optional Application for Federal Employment (OF-612), OR any other written format of your choice. Please make sure that your application includes at least the following:

Job Information:

- Announcement number and title for which you are applying.

Personal Information:

- Full name, mailing address (with zip code) and day/evening telephone numbers (with area code).
- Social security number (voluntary).
- Country of citizenship.
- Highest Federal civilian grade held, job series, and dates of employment in grade.

Education:

- Colleges and /or Universities attended city, state and zip code.
- Major field(s) of study.
- Type and year of degree(s) received. If no degree received, show total credit hours received in semester or quarter hours.
- If you are claiming qualifications based on a degree, you must submit your college transcripts with your application.

Work experience for each paid or non-paid position held related to the job for which you are applying (do not provide copies of job descriptions):

- Job title.
- Duties and accomplishments.
- Number of hours per week.
- Employers name and address.
- Supervisor's name and phone number.
- Starting and ending dates of employment (month and year).
- Salary.
- Indicate if your current supervisor may be contacted.
- A copy of SF-50 Notification of Personnel Action showing career status (if applicable).

Other Qualifications:

- Job-related training courses (title and year).
- Job-related skills (e.g., other languages, computer software/hardware, tools, machinery, typing speed, etc.).
- Job-related certificates and licenses.
- Job-related honors, awards, and special accomplishments (e.g., publications, memberships in professional or honor societies, leadership activities, public speaking, performance awards, etc.).

Please do not send copies of documents unless specifically requested.

2. A current supervisory appraisal, if available, or at least two (2) current letters of reference dated within the last 24 months. Please note that federal agencies are prohibited from accepting and considering political recommendations from Members of Congress, Congressional employees, elected State or local government officials, and political party officials in support of your application for employment.
3. A separate Narrative Statement that describes the applicant's qualifications as they relate to each of the Mandatory Professional/Technical Qualifications Factors is required for this position.
4. A separate Narrative Statement that describes the applicant's qualifications as they relate to each of the OPM Executive Core Qualifications that are listed for this position is required.

APPLICATIONS SUBMITTED WITHOUT ITEMS 2-4 ABOVE WILL NOT BE CONSIDERED

***APPLICATIONS AND SUPPORTING MATERIALS MUST BE RECEIVED BY THE CLOSING DATE
Due to mail delays, you are highly encouraged to file electronically or in person.***

In accordance with U.S. Code 18 (1719), applications received in a postage-paid government envelope will not be considered.

Faxed copies of applications will not be accepted.

Male applicants who were born after December 31, 1959, are required to complete a Certification Statement for Selective Service Registration prior to appointment. Failure to comply may be grounds for withdrawal of an offer of employment, or dismissal after appointment.

Selection for the position will be made without discrimination as to race, color, religion, national origin, sex, age, marital status, lawful political affiliation, physical handicap, or other non-merit considerations.

United States citizenship is required.

Relocation expenses will not be paid.

Appointment is subject to successful completion of a background investigation. Selectee must be able to obtain and maintain a **SECRET** security clearance.

Selectee will be required to file an annual financial disclosure statement in accordance with the Ethics in Government Act of 1978.

The U.S. Occupational Safety and Health Review Commission provide reasonable accommodations to applicants with disabilities. If you need a reasonable accommodation for any part of the application and hiring process, please notify the agency.

Applicants will be required to submit to drug testing. Failure to successfully pass a screening will be grounds for immediate removal.

Visit our website at www.oshrc.gov

**THE U. S. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
IS AN EQUAL OPPORTUNITY EMPLOYER**