



STATE OF ARKANSAS
**Department of Finance
and Administration**

**OFFICE OF PERSONNEL MANAGEMENT
Administrator's Office**
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June 8, 2012

Senator Michael Lamoureux, Co-Chair
Representative, Bryan King, Co-Chair
Uniform Personnel Classification and
Compensation Plan Subcommittee
Arkansas Legislative Council
State Capitol Building, Room 315
Little Rock, Arkansas 72201

Gentlemen:

The Arkansas Game and Fish Commission (AGFC) has requested one position from the OPM pool established by Arkansas Code 21-5-225 (a) (1). The classification requested along with the position being surrendered are listed below:

<u>POSITION SURRENDERED</u>	<u>TITLE</u>	<u>CLASS CODE</u>	<u>GRADE</u>
22095981	Legal Support Specialist	C046C	C113

CLASSIFICATION REQUESTED

Attorney	G073C	C124
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JUSTIFICATION

AGFC currently has three attorney positions: 1 General Counsel, 1 Attorney Specialist, and 1 Attorney. Over the past three years, the Commission has spent an average of \$303,642 in contracts with outside counsel, with that number having increased by \$109,668 over the previous fiscal year. When compared to agencies of similar size and scope, AGFC has fewer attorney positions. The Department of Workforce Services has two Attorney Specialists and seven Attorneys; and the Department of Environmental Quality has six Attorney Specialists and two Attorneys.

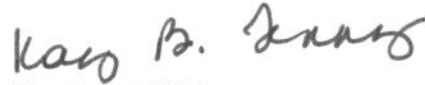
The addition of this pool position will address the growing needs of the Commission and the agency as well as saving AGFC a substantial amount of money in contract services, due to the decreased demand for outside counsel.

Senator Michael Lamoureux, Co-Chairman
Representative Bryan King, Co-Chairman
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The Office of Personnel Management has reviewed this request and recommends the establishment of this pool position as an Attorney, G073C, grade C124.

Your approval of this request is greatly appreciated.

Sincerely,



Kay Barnhill Terry
State Personnel Administrator



Chief Fiscal Officer of the State

MAY 30 2012

Date

KBT/cpw:1-2



DEPARTMENT OF FINANCE & ADMINISTRATION
Office of Personnel Management
Request for Pool Position

Business Area	Agency/Institution	Date
0080	Arkansas Game and Fish Commission	05/01/12

Position(s) to be Surrendered

Position/Item Number	Classification Title	Pay Grade	Class Code
2209 5981	Legal Support Specialist	C113	C046C

Classification(s) Requested

N/A	Classification Title	Pay Grade	Class Code
	Attorney	C124	G073C

I Hereby Certify / Understand That:

- A. The position requested is critical to the operation of this Agency/Institution and a detailed justification for this request is attached. (Justification should be detailed and not less than one typed page in length.)
- B. Sufficient funds are available to fund this position at the requested grade.
- C. This is a full time position that will not be used for any other purpose than that which is outlined in the attached narrative.
- D. The position to be surrendered is the highest grade position available and the loss of this position will not adversely affect the operation of this Agency/Institution.
- E. No current employee will be displaced by this action.

Agency Personnel Rep	Date
	05/01/12

Agency Director	Date
	05/01/12

AGFC POOL POSITION REQUEST - ATTORNEY

The AGFC Legal Division has five positions assigned to it:

AGFC General Counsel	Grade N903
Attorney Specialist	Grade C126
Attorney	Grade C124
Legal Services Specialist	Grade C117
Legal Support Specialist	Grade C113

The Attorney Specialist position is currently vacant, due to the recent resignation of an attorney who worked for AGFC for 10 years. The incumbent in the Attorney position is expected to promote into the Specialist position, pending a request to OPM. The Legal Support Specialist has been vacant since October of 2010. It is the Legal Support Specialist that we propose to swap for an Attorney position. This additional attorney position will give AGFC a total of three staff attorneys.

It will increase the staff's ability to handle more cases and other legal matters concerning the Commission and Agency. The cost of this additional attorney will be offset by the reduction in the necessity of securing outside counsel. The cost of outside counsel has averaged \$303,642 per year over the past three years. During the last fiscal year the cost of outside counsel increased by \$109,668 from the previous fiscal year.

The AGFC Attorney will work under the administrative direction of the AGFC General Counsel and is responsible for:

Providing general legal advice and services to the Commission as requested or appropriate which includes:

- (1) Providing advice regarding statutory, regulatory and ethics requirements, including formal legal opinions requested from the Director and Commissioners;
- (2) Analyzing and interpreting federal and state law regarding Commission policies and procedures involving employment, environmental protection, general liability, species protection and waterways;
- (3) Acting as liaison to judges, prosecutors and other attorneys regarding regulations, field investigations, legal research, witness investigations and special investigations;
- (4) Drafting requests for attorney general opinions and other correspondence on behalf of Director and Commissioners;
- (5) Representing the Commission in disputed matters;
- (6) Providing instruction in legal topics (e.g. constitutional law, due process, trespass, civil liability, etc.) to enforcement officers.

Providing litigation services as required which includes:

- (1) Notifying the Commissioners and Director of all legal actions filed against the agency, commissioners, or staff;
- (2) Providing legal representation in all legal actions filed in any court, including the Arkansas Claims Commission;
- (3) Analyzing the merits of legal actions filed by or against the Commission and recommending courses of action and strategy;

- (4) Conducting legal investigations, examining and analyzing records and preparing cases for trial;
- (5) Researching constitutional, statutory and case law relevant to legal actions;
- (6) Drafting briefs, motions and other pleadings;
- (7) Presenting cases in court;
- (8) Negotiating and documenting settlements; and
- (9) Hiring and supervising outside counsel, as necessary.

Providing contractual legal services which include:

- (1) Drafting and reviewing agency contracts for purchase of materials and services, land acquisitions, sales and/or trades;
- (2) Drafting and reviewing agreements and memoranda of understanding with federal and state agencies and private parties;
- (3) Negotiating legal terms and provisions with contracting parties and their attorneys; and
- (4) Developing standard contract forms for use by agency staff.

Providing legal services and advice in real estate matters involving the Commission which include:

- (1) Drafting and reviewing land descriptions, contracts of sale, offers and acceptances, leases, options to purchase, easements, land-use permits and other real estate transactions;
- (2) Researching real estate records, reviewing property titles, surveys, land descriptions, environmental land assessments, appraisals and other real estate records;
- (3) Supervising special land purchase and sale closings; and
- (4) Rendering advice regarding boundary disputes, adverse possession, encroachments, prescriptive easements, eminent domain, land exchanges, title insurance coverage, navigability and permitted uses of streams and lakes, improvement district participation and general property rights and obligations.

Providing administrative legal support which includes:

- (1) Reviewing and interpreting federal and state laws and regulations affecting agency decision making, rulemaking and adjudicatory functions;
- (2) Advising the Commissioners and Director regarding adoption of regulations;
- (3) Assisting the division chiefs and their staffs and the Regulations Committee in drafting and amending agency regulations; and
- (4) Representing the Commission in administrative hearings, including license suspension hearings.

Providing legislative legal support to support its legislative goals which include:

- (1) Reviewing draft and final legislation for impact on the agency;
- (2) Monitoring and evaluating proposed and introduced bills; and
- (3) Drafting bills as requested.