



**Rebecca Grill**  
City Administrator  
rgrill@westalliswi.gov  
414.302.8294

## MEMORANDUM

**TO:** Administration & Finance Committee  
**FROM:** Rebecca Grill, City Administrator  
**DATE:** January 10, 2019  
**SUBJECT:** Department Request to Fill Vacant Position

---

Attached is Kail Decker's request to fill the vacant position of Principal Assistant City Attorney in the City Attorney's Office.

According to our continuing procedure, these requests are formally referred to the Administration & Finance Committee for consideration through its normal Council/Committee referral process.

If you have any questions concerning this request, please contact me.

RG:jfw

cc: Mayor  
HR Dept.  
Kail Decker

ADM\Vacpos\VACPOSREQ Atty.PACA.011519



City Attorney's Office  
attorney@westalliswi.gov  
Office: 414.302.8450  
Fax: 414.302.8444

**Kail Decker**  
City Attorney  
**Sheryl L. Kuhary**  
Assistant City Attorney  
**Nicholas S. Cerwin**  
Assistant City Attorney

## MEMORANDUM

**TO:** Rebecca Grill, City Administrator  
**FROM:** Kail Decker, City Attorney  
**DATE:** January 10, 2019  
**SUBJECT:** Attorney's Office Request to Fill a Vacant Position – Principal Assistant City Attorney

---

The City Attorney's Office respectfully requests permission to fill the Principal Assistant City Attorney vacancy due to a recent departure by a prior attorney. While a temporary attorney was working in the office until about a month ago, this position has been vacant for some time.

The office has only this one vacancy to fill. The retirement of the former city attorney and a departure of another attorney in early 2018 have caused a considerable amount of work to backlog. I started last week and have been able to transition smoothly, but this final attorney position is necessary to not only catch up over time, but continue to provide quality legal services in a timely fashion in the future. In addition to other duties assigned to all attorneys in the office, this attorney will have primary duties that include defending the city from claims and engaging in other civil litigation involving collections, foreclosure, and bankruptcy matters. It is a critical area of law that supports the financial viability of the city.

Thank you for your consideration, and do not hesitate to contact me with any questions.



# Request to Fill Position

Submit this form, a memorandum and current position description via email to the City Administrator for review and submittal to the Administration and Finance Committee. To ensure adequate time for review, submit the Friday prior to the Council Agenda Deadline day.

Department/Division: **City Attorney's Office** Position Title: **Principal Assistant City Attorney**

Reason for Request:  New Position OR

Replacement to Staff - Date of Vacancy: \_\_\_\_\_ Person Replaced: \_\_\_\_\_

Position Status:  Full-time  Part-time AND  Regular  Temporary  Provisional  Special  Other

- If other than Full-time or Regular, indicate work schedule (hours per week, days to be worked, etc.) and anticipated duration of employment:

Funding Source:  Operating  Grant  Other:

Anticipated Date for Filling Position: **As soon as possible**

Is the position required for fiduciary, legal or compliance requirements?  No  Yes, describe:

Why is it necessary that this position be filled? What operational needs does this position fulfill? **The City Attorney's Office is understaffed at the moment and unable to keep current with the volume of work.**

What will be the impacts on service functions to the public if the position is not filled? **The public will wait longer for responses to inquiries.**

What will be the impacts on service to city staff if the position is not filled? **Other departments will suffer due to slower response time to their requests for service. Proactive measures will not occur.**

What reorganization possibilities have been considered, such as elimination of the position or combining duties with other existing positions? (If none, provide rationale.) **None. I have been recently appointed to complete an elected term and a great deal of work has remained incomplete for too long.**

How has this vacancy/need been covered so far? **Hiring outside counsel at a higher cost to the city than it would be if handled by an internal attorney.**

How many other similar positions exist in this department? 1

### Requestor Information

Name: **Kail Decker** Title: **City Attorney** Department: **City Attorney's Office**

Signature:  Date: January 9, 2019

Attached:  Memorandum  Current JDQ



# JOB DESCRIPTION QUESTIONNAIRE (JDQ)

## SECTION 1 - DEMOGRAPHIC INFORMATION

<b>Class Title</b>	<b>Principal Assistant City Attorney</b>	<b>Department</b>	<b>City Attorney's Office</b>	<b>Division</b>	<b>N/A</b>
<b>Classification per 2.76 RMC</b>	<input type="checkbox"/> Executive (City Officer or Department Head) <input type="checkbox"/> Managerial Service <input type="checkbox"/> Deputy/Assistant Service <input type="checkbox"/> Supervisory <input type="checkbox"/> Professional <input type="checkbox"/> Confidential <input type="checkbox"/> General Employee		<b>Work Location</b>	<input checked="" type="checkbox"/> City Hall <input type="checkbox"/> Fire <input type="checkbox"/> Health <input type="checkbox"/> Library <input type="checkbox"/> PW <input type="checkbox"/> Police	
<b>Full-Time / Part-Time</b>	<input checked="" type="checkbox"/> Full-time <input type="checkbox"/> Part-time, Hours per week ____	<b>Supervisor Title</b>	City Attorney		
<b>HR Only</b>	<b>Working Title</b>	<b>Salary Grade -</b>	<b>FLSA Code:</b>	<input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Non-exempt	

### Position Summary – Summarize the purpose and primary responsibilities for this position. (Job Announcement Wording)

Cities across Wisconsin rely upon their municipal attorneys to help them keep things on the right track and continually improve the lives of city residents. The City of West Allis is looking for an assistant city attorney who wants to take on that challenge. Every day you go to work, you could have the opportunity to use your skills as a lawyer to protect the interests of the second-largest city in Milwaukee County. You could work as a vital member of a small team in the City Attorney's Office, where you will be able to showcase your analytical, logical, innovation skills. There is no other environment in which you will be able to expand your knowledge and experience as a lawyer while helping your neighbors and having fun doing it. If you have civil litigation experience and you treat people with respect, this opportunity may be the perfect fit for you and the city. In addition to the great feeling you get serving the public, you could work normal business hours with competitive pay and great benefits.

West Allis has a lot going for it, but we're just getting started. Do you want to be part of the team that takes our city to the next level?

## SECTION 2 - DESCRIPTION OF EXPECTED WORK HOURS/CORE FUNCTIONS, ESSENTIAL DUTIES & RESPONSIBILITIES

The core functions/essential duties/responsibilities of the job, which are the most important aspects of the job. This section is focused on WHAT is done rather than HOW it is done. Wording that provides a clear for someone not familiar with the work is used. Terminology or acronyms that are not widely known are avoided. The list includes the duties that are most important at the top, and the estimated percentage of the total annual time that each item takes. (FYI - 10% equates to roughly 200 hours of a work year.) Duties and responsibilities that account for as close to 100% of work time as possible are listed. Catch-all categories may be included but are not evaluated as part of the classification for the position (e.g. misc. duties, other duties as assigned, etc.), those sections will likely NOT be evaluated. **Frequency Codes:** Daily [D] / Weekly [W] / Bi-Weekly [B] / Monthly [M] / Quarterly [Q] / Annually [A] / As Needed [N]

<b>Expected Work Hours/Core Functions/Essential Duties and Responsibilities of the Position</b>	<b>Frequency</b>	<b>% of Annual Total Time</b>
<input checked="" type="checkbox"/> Normal Business Hours (M-F, 8 am-5 pm); but may work alternative schedules as required <input checked="" type="checkbox"/> Full-time salaried position <sup>1</sup> <input type="checkbox"/> Emergency call outs, before and after standard scheduled hours of work including weekends and holidays <input type="checkbox"/> Watch Duty <input type="checkbox"/> Other, describe:		
See attached.		
And other duties that from time to time may be required and assigned.	N	1

<sup>1</sup> with expectations for coverage during core business hours and flexibility required as necessary to accommodate business needs. Accessible by cell phone and/or to report to the worksite outside of regular office hours, including but not limited to, nights, weekends, holidays, etc.

**SECTION 3 - COMPETENCIES, KNOWLEDGE, SKILLS AND ABILITIES**

<b>Accountable</b>	Responsive to the community's interests and needs; timely; dependable; consistent; answerable; effective in the use of resources; adheres to established policies and procedures as appropriate; able to justify decisions and actions.
<b>Driven</b>	Goal oriented, creative in problem solving; exhibits initiative; sets and pursues high standards; motivated to succeed.
<b>Dedicated</b>	Demonstrates service to others; is customer focused; displays cultural competency and professionalism.
<b>Integrity</b>	Sincere, honest, trustworthy, and ethical; models values and embodies competencies.
<b>Technical</b>	Has and grows knowledge and skill in area of expertise; is competent and proficient in the use of available technology; develops cross-functional skills.
<b>United</b>	Encourages and exemplifies teamwork, positive attitude, and emotional intelligence; is an effective communicator, tactful and diplomatic; mentors others; regularly gives and receives feedback.
<b>Progressive</b>	Strategic, innovative, skilled in change management and agile; challenges the status quo; explores and drives continuous improvement opportunities.

- Recommend changes in procedures and processes to improve efficiency;
- Support initiatives such as strategic planning, LEAN, and innovation;
- Maintain prompt, predictable, and regular physical attendance;
- Provide truthful and accurate written and verbal communications;
- Process the knowledge, skill and ability to meet physical demands and requirements, effectively function in the work environment and efficiently utilize the tools listed in Section 7 at the proficiency levels listed.

**If checked the following are applicable to the position:**  maintains the ability to competently and credibly testify in court;  maintains ability to lawfully operate designated motor vehicles at all times when driving duties are performed;  maintains the ability to travel throughout and enter all different properties in the jurisdiction

**List the desired knowledge, skills, and abilities needed to be successful in performing the position** (e.g., knowledge of local government organization and administration; skill in listening, critical thinking, problem analysis and problem-solving; ability to quickly adapt and learn specialized software systems and databases)  
 Considerable knowledge of substantive and procedural aspects of general municipal law to include knowledge of municipal and public administration and all aspects of civil litigation, including, but not limited to, personal injury, claims defense, contract interpretation and litigation, bankruptcy, housing policies and procedures, foreclosure matters and all other general municipal matters. Considerable knowledge of the principals, methods, materials and practices utilized in legal research; comprehensive knowledge of federal, state and municipal laws and policies as they relate to civil litigation matters for the City. Considerable skill in analyzing and organizing facts, evidence and precedence and the ability to develop and determine available courses of action on the basis of such analysis. Accomplished skill in presenting and defending cases in a clear and logical form before federal and state courts, administrative agencies and municipal boards and commissions. Accomplished skill in determining alternative courses of action and the ability to take quick and decisive action based upon said determinations.  
 (Continued on additional page - attached)

Job Specific

**SECTION 4 - JUDGMENTS / DECISION-MAKING**

Five of the most typical judgments/decisions made in performing the job as well as the solutions to these problems, and the resource, input or guidance others provide in arriving at the decision. Who reviews, if anyone.

Typical Problems/Challenges	Possible Solution(s) to Problem/Challenge	Resources Available and/or Used	Job Title of Who Reviews
See attached.			

**SECTION 5 - WORKING RELATIONSHIPS / INTERACTIONS / CONTACTS** Typical work relationships with persons inside or outside of the City of West Allis.

Title of individuals with whom this position typically interacts	Interaction Description.	Why is it necessary?
See attached.		

**SECTION 6 - EDUCATION, EXPERIENCE, CERTIFICATION, LICENSURE, TRAINING REQUIRED<sup>2</sup>**

**Education**  
 Less than High School  High School/GED  One Year Certificate  Associate's Degree  Bachelor's Degree  Master's Degree  
 Professional Degree (Engineering, Law, Library, Medicine Nursing, etc.)  Field of Study:  
 Additional Information (e.g. specific coursework, etc.):

**Experience**  
 No Experience  < 2 yr.  2 to 3 yrs.  4 to 5 yrs.  6 to 7 yrs.  8 to 9 yrs.  10 to 11 yrs.  ≥ 12 yrs.  
 Describe Specifics regarding required experience (e.g. 5 total years of customer service experience 2 of which were in a supervisory capacity):

Required Certification/Licensure/Training <sup>3</sup>	How Attained/Provided	Required Upon Hire?	May Obtain After Hire?
Wisconsin State Bar License	Possess law degree; acquire license from WI State Bar.	Yes	No
Continuing Legal Education(CLE) to maintain WI State Bar License	Attend legal training, seminars, webinars and conferences	30 CLE credits required bi-annually	Ongoing requirement
National Incident Management System's (NIMS) ICS-100 and 700 training	Provided by City		X (within 6 months)
Lean/Six Sigma Training, Preferred	Provided by City		X

Describe any current practices as it relates to licensure or certification (e.g. extra pay for certification, employer payment for obtaining or renewing, etc.):  
 The City of West Allis will pay for certifications directly related to job duties.

**List preferred Education, Experience, Certification, Licensure or Training –**

**SECTION 7 - SUPERVISION / MANAGEMENT**

A. Supervision Received by this position upon successful completion of a training period:

- Close Supervision:** Assigned duties according to specified procedures and receives detailed instructions. Work is checked frequently.
- Supervision:** Performs a variety of routine work within established policies and procedures, and receives detailed instructions on new projects and assignments.
- General Supervision:** Normally receives little instruction on day-to-day work and receives general instructions on new assignments.
- Direction:** Establishes methods and procedures for attaining specific goals and objectives, and receives guidance in terms of broad goals. Only the final results of work are typically reviewed.
- General Direction:** Exercises wide latitude in determining objectives and approaches to critical assignments.

B. Type of Responsibility/Area of Action performed by this position:

Screen / Interview Applicants	Yes	No	Provides Input
Hire / Promote Employees	X		X
Provide Written/Verbal Warnings			X
Suspend Employees			X
Terminate Employees			X
Prepare Work Schedules For Others		X	
Project Management	X		
Provide Work Direction For Others	X		
Evaluate Performance Of Others	X		
Counsel Employees	X		X

<sup>2</sup> Equivalencies are used where deemed appropriate with regard to education and experience requirements. Combinations of education and experience which are likely to lead to success with essential duties and responsibilities are considered. Generally 2 years of relevant experience may be substituted for each year of education. This does not apply to required professional degrees, licensures, or certifications (e.g., juris doctorate, public health nurse, etc.). If Equivalency was indicated for Educational requirements, it should be taken into consideration when determining work experience requirements.

<sup>3</sup> including but not limited to: valid WI Driver's License, valid WI Commercial Driver's License [CDL], confined space training, blood borne pathogen training, etc.



	Never	Seldom	Occasional	Frequent	Constant
Peripheral Vision - Observing an area that can be seen up and down or to right or left while eyes are fixed on a given point.				X	
Pushing/Pulling - Pushing/pulling may involve use of hands/arms, feet/legs, and/or feet only done with one side of the body or both sides.				X	
Pushing - Exerting force upon an object so that the object moves away from the force; Pulling - Exerting force upon an object so that the object moves toward the force				X	
Reaching At/Below Shoulder Level - Extending hand and arms from 0 up to 150 degrees in a vertical arc. Reaching requires the straightening and extension of the arm and elbow and the engagement of the shoulder. The elbow does not need to be locked at any time and the arm does not need to remain in a continuously straight position.				X	
Reaching Overhead - Extending hands and arms in a 150 to 180 degrees vertical arc. Reaching requires the straightening and extension of the arm and elbow and the engagement of the shoulder. The elbow does not need to be locked at any time and the arm does not need to remain in a continuously straight position.				X	
Sitting - Remaining in a seated position.					X
Standing/Walking - Standing is to remain on one's feet in an upright position at a workstation without moving about. Walking is to move about on foot.					X
Stooping - Bending the body downward and forward by bending the spine at the waist - requiring full use of the lower extremities and back muscles.					X
<b>Possess the capacity to effectively and efficiently work with/in the following conditions -</b>					
Indoor/Office Work Environment					
Outdoor Work Environment Extreme Hot/Cold Temperatures (>90 degrees / <40 degrees)					
Insects	X				
Rodents	X				
Exposure to Various Lighting Conditions (High, Low, LED, etc.)		X			
Noise >85dB (e.g. mower, heavy traffic, milling machine, etc.)					
Outdoor Weather Conditions (Dry/Wet/Slippery)	X				
Hazardous Fumes or Odors / Toxic Chemicals	X				
Confined Spaces (as identified by OSHA)	X				
Close Proximity to Moving Machinery / Equipment	X				
Bodily Fluids / Communicable Diseases	X				
Working Alongside Moving Traffic on Roads	X				
Electrical Hazards	X				
Dust	X				
Interact with persons of various social, cultural, economic, personal hygiene standards, mental capacities, and educational backgrounds.				X	
Other:					
<b>Tools Used (add as needed)</b>	<b>Never</b>	<b>Seldom</b>	<b>Occasional</b>	<b>Frequent</b>	<b>Constant</b>
Office Equipment: Desktop Computer, Copier, Phone, Fax, Scanner, etc.					
Field Technology: Ipad/Laptop/Smartphone					
Microsoft Outlook					
Microsoft Word					
Microsoft Excel					
Microsoft Access					
Microsoft PowerPoint					
Adobe Acrobat Professional					
Legistar/Granicus					
BP Logix					
Novatime					
HTE/Sungard					
Docuware (Document Management System)					

<sup>6</sup> Basic – Fundamental knowledge of common usage; Intermediate – able to perform independently with occasional guidance a majority of tasks related to position, utilizes tools in the most efficient and effective manner on a regular basis; Advanced – able to perform independently all tasks related to position, constantly utilizes tools in the most efficient and effective manner, able to implement and make suggestions on how the tools could improve processes and productivity; Expert – Recognized Authority, Go to person, able to teach others



Neogov (Insight, Perform)	<input type="checkbox"/> Basic <input type="checkbox"/> Intermediate <input type="checkbox"/> Advanced <input type="checkbox"/> Expert		
CivicPlus (Internet, Intranet CMS)	<input type="checkbox"/> Basic <input type="checkbox"/> Intermediate <input type="checkbox"/> Advanced <input type="checkbox"/> Expert		
Internet	<input type="checkbox"/> Basic <input type="checkbox"/> Intermediate <input type="checkbox"/> Advanced <input type="checkbox"/> Expert		
Personal Vehicle	Maintain Wisconsin Driver's License.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
City Vehicle	Maintain Wisconsin Driver's License.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Basic <input type="checkbox"/> Intermediate <input type="checkbox"/> Advanced <input type="checkbox"/> Expert		
	<input type="checkbox"/> Basic <input type="checkbox"/> Intermediate <input type="checkbox"/> Advanced <input type="checkbox"/> Expert		

**Section 9 - Additional Comments**

Any additional information:

The City of West Allis is an Equal Opportunity/Affirmative Action Employer and does not discriminate against individuals on the basis of race, color, religion, age, marital or veterans' status, sex, national origin, disability, or any other legally protected status in the admission or access to, or treatment or employment in, its services, programs or activities. Upon reasonable notice the City will furnish appropriate auxiliary aids and services when necessary to afford individuals with disabilities an equal opportunity to participate in and to enjoy the benefits of a service, program or activity provided by the City. It is the policy of the City of West Allis to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.

This JDQ has been prepared to assist in defining job responsibilities, physical demands, and skills needed. It is not intended as a complete list of job duties, responsibilities, and/or essential functions. This description is not intended to limit or modify the right of any supervisor to assign, direct, and control the work of employees under supervision. I understand that the City retains and reserves any or all rights to change, modify, amend, add to or delete from, any section of this document as it deems, in its judgment, to be proper.

EMPLOYEE: \_\_\_\_\_ DATE: \_\_\_\_\_ SUPERVISOR: \_\_\_\_\_ DATE: \_\_\_\_\_

DEPT. HEAD: \_\_\_\_\_ DATE: \_\_\_\_\_ HR REP: \_\_\_\_\_ DATE: \_\_\_\_\_

Section 2 - Description of Core Functions/Essential Duties and Responsibilities of the Position	Frequency	% of Annual Total Time
<p>Assist and provide oral and written legal advice and opinions to the Common Council, Mayor, City Committees, Boards, Administration and Departments regarding the interpretation and application of City ordinances, resolutions, policies and procedures, rules and regulations, state and federal statutes, case law and administrative codes, and agency rules and regulations related to all aspects of municipal law, real estate, zoning, land use and development, bankruptcy, foreclosure, real and personal property taxation, public records and open meetings law, city operations, and contracts and agreements, including the assessment of the risks and financial exposure to the City for non-compliance.</p>	D	25%
<p>Defend personal injury, property damage, and tax claims and raze/repair orders. Represent the City in bankruptcy, foreclosure and collections matters. Administer municipal legal issues in a variety of areas such as, but not limited to, rights-of-way regulation, and public records and open meetings law. Commence and defend the City and its officers in a wide variety of contested and litigated matters in municipal, state and federal court and before administrative and quasi-judicial tribunals. The matters include prosecution of municipal ordinances and traffic violations, suits to collect delinquent personal property taxes and other debts owed to the City, defense of suits for negligence, intentional torts and deprivation of constitutional rights, defense of suits challenging the validity and constitutionality of City ordinances, defense of personal injury and property damage claims, defense of real estate tax assessment litigation, defense of the City in cases involving review of discretionary decisions by the Common Council in contract, licensing and real estate development matters, representation of the City in public records litigation, and litigation between the City and other governmental entities, collection of personal property taxes, damages to City property, and liability claims against the City which includes review of each claim and representation in both small and large claim circuit court actions.</p> <p>Provide legal representation on behalf of the City in mediation and arbitration matters, municipal code enforcement, subrogation and civil and criminal litigation matters, including the handling and preparation of pleadings, motions, discovery, negotiation, and trial-related matters before courts and administrative agencies, including appeals, related to such matters. Appear on behalf of/ represent the City at administrative hearings, quasi-judicial proceedings, trials and other court proceedings.</p>	D	40%
<p>Draft resolutions, ordinances, policies and procedures, rules and regulations, legal opinions, contracts, leases, memorandums of understanding, public nuisance orders and various litigation documents including, but not limited to, pleadings, motions, briefs and other correspondence. Draft complaints and other license-related plans for the License and Health Committee. Respond to and answer citizen complaints.</p> <p>Draft, negotiate and review contracts, leases and agreements in a variety of areas affecting the operation of City government and the public interest varying in value from thousands of dollars to several hundred million dollars with similar exposure to the City if not skillfully negotiated and drafted to minimize or eliminate liability and financial exposure to the City by requiring proper levels of insurance coverages and indemnification provisions. Examples of the contracts, leases and agreements include, but are not limited to: substantial public works</p>		

<p>contracts for construction, repair, replacement and expansion of public infrastructure, residential, commercial and industrial development agreements, certificates of liability insurance, irrevocable standby letters of credit, financial assurance documents and performance bonds to guarantee performance and protect the City, environmental contracts, equipment purchase contracts, raze contracts, real estate purchase and sale contracts, easements and maintenance agreements for public improvements, right-of-way acquisition agreements, clinical affiliation agreements, intergovernmental agreements affecting public services, cell tower leases, leases of City owned property and facilities, agency agreements, contracts for nuisance elimination, and requests for proposals to solicit third party services.</p>	D	15%
<p>Provide legal research, analysis and interpretation of proposed and existing laws, ordinances, regulations, rules, policies and procedures, contracts, and administrative and judicial opinions and decisions as they relate to the numerous subjects/areas (addressed in detail above) pertaining to the operation of the City. Analyze, interpret and apply City ordinances and policies and procedures on a variety of issues affecting the effective administration of City government and the application and enforcement of the Revised Municipal Code.</p>	N	10%
<p>Attend open and closed sessions/meetings of the Common Council, and City Boards, Committees and Commissions to provide opinions and advice on matters within their respective jurisdictions and to provide advice regarding parliamentary procedure issues.</p>		
<p>Attend Common Council, City Committee and Board meetings, and meetings with Department Heads and supervisory staff to address the legal and public policy implications pertaining to the adoption and/or enforcement of proposed and existing laws, ordinances, regulations, rules, policies and procedures, contracts, and administrative and judicial opinions and decisions. Respond to and address Alderperson, citizen, staff, and other attorneys' inquiries regarding such matters proposed and pending before the Common Council.</p>	N	1%
<p>Meet and confer with fellow attorneys to discuss legal issues.</p> <p>Participate in Department and inter-Departmental meetings to address projects and matters specific to the Department(s).</p>		

**Section 3 – Desired knowledge, skills, and abilities needed to be successful in performing the position (Continued)**

Accomplished skill in all aspects of civil litigation and trial practice, to include extensive skill in analyzing positions and effectively dealing in negotiating with adverse parties pursuing complaints and actions against the City. Accomplished skill in dealing with City officials, management personnel and the public. General skill in planning and supervising the work of subordinate staff. Considerable knowledge of modern office practices, procedures, equipment and software.

## Section 4 – Judgments/Decision-Making

Five of the most typical judgments/decisions made in performing the job as well as the solutions to these problems, and the resource, input or guidance others provide in arriving at the decision. Who reviews, if anyone.

Typical Problems/Challenges	Possible Solution(s) to Problem/Challenge	Resources Available and/or Used	Job Title of Who Reviews
<p>Advise Department and Division Heads on various issues, e.g., ordinance enforcement, in order to avoid potential challenges, litigation, and liability.</p>	<p>Review, analyze and apply all relevant resources including, but not limited to, City ordinances, City and Department Policies and Procedures, and state and federal laws. Assist the Department/Division Head through the process and recommend various options, pointing out potential challenges and defenses. In the case of ordinance enforcement: draft and review complaints, orders, and enforcement guidelines; research federal, state, and local law to ensure that a legal basis exists for enforcement and that orders meet statutory and other legal requirements.</p>	<p>Review and analyze relevant case law, administrative opinions and guidance, legal publications, City ordinances, state and federal laws, City and Department Policies and Procedures, etc. In the ordinance enforcement example, work with and instruct the Department Heads and staff who have citation authority to create guidelines for enforcement, create order templates, discuss constitutional issues with search and seizure, and ensure that enforcement is consistently and equally applied</p>	<p>Independent decision making under general supervision of the City Attorney</p>
<p>Respond to public records requests/determine whether a public records request should be granted or denied.</p>	<p>Review, analyze and apply all relevant resources including, but not limited to, City ordinances, state and federal laws, City and Department Policies and Procedures; Analyze requests to determine if there is an absolute right (pursuant to statute or court decisions) of access or denial or if access must be determined by conducting the balancing test (balance the strong public interest in disclosure of the record against the public interest favoring nondisclosure). Thereafter, either: (1) Release the record(s) if there is an absolute</p>	<p>Review and analyze relevant case law, state and federal law, attorney general opinions and legal publications.</p>	<p>Independent decision making under general supervision of the City Attorney</p>

<p>Assess and process personal injury and property damage claims.</p>	<p>right of access or if, after conducting the balancing test, it is determined the public policy interests favoring nondisclosure do not outweigh the public policy interests favoring disclosure (Note: it must also be determined whether portions of the record(s) to be released may/should be redacted); or 2) If it is determined the record(s) should not be released, provide a written denial to the requestor, setting forth specific and sufficient reasons for the denial.</p>		
	<p>Review, analyze and apply all relevant resources including, but not limited to, City ordinances, state law, federal law, City and Department Policies and Procedures; Review documents filed with City to see if in compliance with Wis. Stat. Sec. 893.80; Send copy of claims to city's insurance carrier; obtain City records from various departments to determine claim background; Initiate investigations with City staff to determine background and facts of the claim; Review results of investigations to determine City's liability; Communicate with claimants and claimants' attorneys in regard to their claims for the purpose of seeking additional information, informing them of their claim status, informing them of denial of their claim, and/or negotiating an amount to settle the claim; Research accuracy of damage estimates; Research case law on City liability, duties, and defenses to liability; Examine City policies for potential liability; Create and maintain database for claims; Draft releases for claim settlements; Communicate with Common Council on claims and analyze the merits of the claims; Provide recommendation to Common Council as to whether to accept or deny a claim. If claimant sues, review the summons and complaint; collaborate with outside counsel if hired about merits of case and plan litigation strategy; respond to</p>	<p>Review and analyze statutes, case law, legal opinions, and City policies. Consult with applicable City employees and Department Heads to investigate. Use knowledge and trial skills.</p>	<p>Independent decision making under general supervision of the City Attorney</p>

	<p>complaint with answer or other responsive pleading; draft motions, orders, and other legal documents; participate in settlement negotiations and mediations if appropriate; attend court hearings; defend the matter at a trial.</p>		
<p>Drafting ordinances</p>	<p>Discuss ordinance with person requesting it; Research federal, state, and local laws and case law as to constitutionality and form; Draft ordinance and circulate to other attorneys in the office and/or other City employees for their input; Draft final revisions and present to Common Council member for sponsorship.</p>	<p>Review and analyze federal law, state statutes, local ordinances, case law, and legal opinions. Consult with other attorneys, Alderpersons, and City employees for input before implementation.</p>	<p>Independent decision making under general supervision of the City Attorney</p>
<p>Collection</p>	<p>Review, analyze and apply all relevant resources including, but not limited to, City ordinances, state law, federal law, City and Department Policies and Procedures; Review City records to determine whether City can successfully recover the debt; Obtain invoices and other similar documents that indicate the amount of debt owed; Perform review of bankruptcy status; Send payment demand letters to debtors; Draft summons and complaints for collection in circuit court; Negotiate settlements and draft payment agreements; Draft motions, affidavits, pretrial documents, and judgments; Subpoena witnesses; Litigate cases at court trials or jury trials; Refer judgments and other certified debts to Finance for tax intercept collection.</p>	<p>Review, analyze and apply all relevant resources including, but not limited to, City ordinances, state law, federal law, City and Department Policies and Procedures; Consult with the City's insurance carrier and other City employees on collection efforts and amounts due. Use knowledge and trial skills.</p>	<p>Independent decision making under general supervision of the City Attorney</p>
<p>General Litigation</p>	<p>Review, analyze and apply all relevant resources including, but not limited to, city ordinances, state law, federal law, City and Department Policies and Procedures; Review City records and court filings to determine facts of case; Initiate investigations with City staff to prepare City's complaint, response, motions, or other court documents; Review results of investigations to determine City's</p>	<p>Review, analyze and apply all relevant resources including, but not limited to, City ordinances, state law, federal law, City and Department Policies and Procedures; Consult with the City's insurance</p>	<p>Independent decision making under general supervision of the City Attorney</p>

	<p>liability; Draft summons and complaints, answers or responsive pleadings, motions, pretrial reports, affidavits, jury instructions, stipulations, and other court documents; Initiate and participate in discovery, including interrogatories, document production, and depositions; Negotiate settlements with other attorneys; Communicate settlement discussions with Common Council.</p>	<p>carrier and other City employees. Use knowledge and trial skills.</p>	
<p>General Legal Advice</p>	<p>Review, analyze and apply all relevant resources including, but not limited to, City Ordinances, state law, federal law, City and Department Policies and Procedures; Communicate legal opinions to City employees.</p>	<p>Review, analyze and apply all relevant resources including, but not limited to, City ordinances, state law, federal law, City and Department Policies and Procedures.</p>	<p>Independent decision making under general supervision of the City Attorney</p>

<p><b>SECTION 5 - WORKING RELATIONSHIPS/INTERACTIONS/CONTACTS</b>  <small>TYPICAL WORK RELATIONSHIPS WITH PERSONS INSIDE OR OUTSIDE OF THE CITY OF WEST ALLIS</small></p>		
<p><b>Title of individuals with whom this position typically interacts</b></p>	<p><b>Interaction Description</b></p>	<p><b>Why is it necessary?</b></p>
<p>Alderpersons, Mayor, City Attorney, Municipal Judge, City Administrator, Department and Division Heads and staff, City Board and Committee members, City employees.</p>	<p>Address a wide variety of issues, as set forth in Sections 2 and 4 above. Interaction may occur individually or on an interdepartmental basis, in-person, in writing, by phone or e-mail. Interactions may include their requests for and our provision of advice regarding the interpretation and application of City ordinances; policies and procedures; state and federal constitutions; statutes and case law; administrative code and agency rules and regulations; contract interpretation and enforcement; project coordination; implications of proposed ordinances and</p>	<p>To interpret, comply with and administer applicable laws and prevent/avoid legal liability. To explain pending/potential issues and address resolution and/or litigation strategy. Prepare witnesses for deposition or trial. To inform them of new laws and regulations.</p>

<p>Outside legal counsel; union representatives and attorneys; Administrative Law Judges; Arbitrators; Mediators; Municipal, Circuit Court and Appellate Judges; Administrative Agency and Court staff; agents; and representatives.</p>	<p><b>resolutions; and public policy implications of any particular proposed course of action.</b></p> <p>Interactions with these individuals may be in-person, in writing, by phone and/or by e-mail. Interactions occur prior to, during and subsequent to various court and administrative proceedings. Interactions can include the negotiation of resolutions and settlements of employee grievances and of municipal, administrative and court proceedings, the negotiation of contracts, and the litigation, mediation and arbitration of legal claims initiated by the City and suits filed against the City and its officers.</p>	<p>To discuss legal matters involving and/or before these individuals. To negotiate resolutions and/or prepare and present cases in administrative and judicial proceedings.</p>
<p>Members of the public.</p>	<p>Field complaints and review license applications in-person or via phone conversations or email. These interactions are typically related to requests by other Departments or staff to review necessary documentation.</p> <p>Interactions also occur throughout the litigation process to include pretrial conferences, negotiations, pleadings, stipulations and witness interactions.</p>	<p>To ensure efficient use of Department and judicial time.</p> <p>To resolve questions and concerns pertaining to license applications.</p> <p>To prepare, resolve and/or litigate cases.</p>