

ATTORNEY VACANCY ANNOUNCEMENT

The Office of the General Counsel at the U.S. Department of Health and Human Services is currently seeking applications for its Deputy Chief Counsel position in its San Francisco Office.

WHO MAY APPLY: This vacancy announcement is open to all US Citizens.

DUTY STATION: San Francisco, CA

SALARY RANGE: (GS-15) \$139,342 - \$160,300

OPEN PERIOD: October 25, 2016 – November 27, 2016

JOB SUMMARY:

Become a part of the Department that touches the lives of every American! The Department of Health and Human Services (HHS) is the principal agency for protecting the health of citizens. Join HHS and help to make our world healthier, safer, and better for all Americans.

The Office of the General Counsel (OGC) is the legal team for HHS, providing quality representation and legal advice on a wide range of highly visible national issues. OGC supports the development and implementation of the Department's programs by providing the highest quality legal services to the Secretary of HHS and the organization's various agencies and divisions.

OGC is comprised of three principal subcomponents: an Immediate Office, Headquarters Divisions, and Regional Offices. Each Headquarters Division is led by an Associate General Counsel, and each Regional Office is led by a Chief Counsel. The eight (8) Headquarters Divisions consist of the following: General Law Division (GLD), Children, Families and Aging Division (CFAD), Ethics Division (ETH), Civil Rights Division (CRD), Centers for Medicare and Medicaid Division (CMSD), Food and Drug Division (FDD), Legislation Division (LEG) and Public Health Division (PHD). The ten (10) Regional offices are located in the following cities: Region I-Boston, Region II- New York, Region III- Philadelphia, Region IV-Atlanta, Region V-Chicago, Region VI-Dallas, Region VII-Kansas City, Region VIII-Denver, Region IX-San Francisco, and Region X-Seattle.

OGC Region IX provides comprehensive litigation services (both administrative and judicial litigation), legal advice, and trainings to almost all regional components of the agency. OGC Region IX's work consists primarily of the following: 1) administrative and court litigation brought against skilled care and non-skilled care nursing facilities, hospitals, and other providers of health care to enforce Medicare requirements; 2) legal advice and representation to the Office for Civil Rights (OCR) in investigating and deterring misuse of health information protected under the Health Insurance Portability and Accountability Act (HIPAA) and prohibited discrimination by hospitals, health care plans, and other providers in the provision of health care; 3) legal advice and counseling to health care providers and administrators with a variety of legal matters (such as Medicare and Medicaid payment issues, patient consent and authorization for treatment, provider contracting, EMTALA compliance, peer review and credentialing, and disclosure of patient health information) at approximately 15 hospitals and other health care facilities operated by the Indian Health Service (IHS), and representation to IHS during negotiations and contracting with tribes and tribal organizations for the operation of tribally-run health care programs; and 4) federal employment and labor law counseling and litigation.

OGC is an equal opportunity employer, and we encourage applications from a diverse pool of high-quality candidates.

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INTRODUCTION:

The Deputy Chief Counsel is one of two principal advisors to the Chief Counsel and a member of the Region's Senior Leadership Team. The Chief Counsel determines the priorities and objectives in general, and the Deputy Chief Counsel works closely with the Chief Counsel in directing and coordinating the office's legal services provided to the Department's programs and constituent agencies in the Region. The legal issues arising under the Department's programs involve hundreds of millions of dollars, are extremely complex, and are precedent setting. The Department's legal matters can have an extremely broad impact on states, private industry, and tribal nations, and are frequently the subject of intense media and public interest. The parties involved in these matters are often represented by the most highly-skilled legal counsel.

MAJOR DUTIES:

Principal Advisor to the Chief Counsel

Provides a wide range of legal and advisory services to the Chief Counsel with respect to matters concerning the Region's policies and programs. Advises the Chief Counsel on managing human, financial, and technical resources. Recommends policies or procedures to enhance overall efficiency and effectiveness of the regional office's operations and the use of resources. Makes recommendations for training and career development of attorney, paralegal, and administrative support staff.

Management and Supervisory Duties

Provides supervisory oversight of attorneys, paralegals, legal technicians, and other administrative support staff within the Regional Office, including performance appraisal and management, training, and professional development. Manages Assistant Regional Attorneys who review and/or handle a wide variety of legal issues involving program review, administrative litigation, and judicial litigation, as well as paralegal and administrative staff who provide administrative support to the Regional Office staff. Manages communications with agency officials on legal matters to assure that client needs are identified and met. Identifies training and development needs for staff and internal and external opportunities for career advancement and development, including leadership development.

Advisory and Litigation Program Duties

Advises the Chief Counsel on legal aspects of the formulation and implementation of HHS programs within the Region. Responsible for managing staff who are engaged in developing and coordinating legal interpretations and advice on the statutes and regulations applicable to the administration of HHS programs, operations, or functions (including the Medicare program; the Medicaid program; the Administrative Procedure Act; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; the health information privacy provisions of the Health Insurance Portability and Accountability Act (HIPAA) and implementing regulations; Section 1557 of the Patient Protection and Affordable Care Act of 2010; the Head Start Act, administered by the Administration for Children and Families; the Indian Health Service; and federal labor and employment law), as well as court decisions and other legal authorities binding upon the United States. Ensures litigation involving HHS before the federal courts, administrative tribunals, and state courts advances HHS' interests.

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Representation

Consults with and assists United States Attorneys in the investigation, preparation, presentation, and conduct of both criminal and civil litigation growing out of Departmental activities within the Region, including developing strategies for litigation activities and negotiating settlements of claims by and against the United States. Such consultation and assistance may include the preparation of complaints, briefs, motions, stipulations, judgments, findings, and all other documents peculiar to litigation, interviewing witnesses, and the defense of claims against the United States.

QUALIFICATIONS REQUIRED:

Your resume and supporting documentation will be used to determine whether you meet the position qualifications listed on this announcement. Salary will be commensurate with education and experience.

The following are required qualifications:

- ✓ Possess a Juris Doctorate (J.D.) from an accredited ABA law school.
- ✓ Have been admitted to a bar in one of the highest courts of a State, U.S. Commonwealth, U.S. territory, or the District of Columbia and be in good standing.
- ✓ Possess substantial familiarity with federal administrative or court litigation, administrative procedure, or significant health care law or employment law experience.
- ✓ Have strong academic achievement; outstanding organizational, time management, and interpersonal skills; superior legal writing and research ability and a demonstrated commitment to professionalism, ethics, civility and public service.
- ✓ Have at least five years of experience in the practice of law or its equivalent.
- ✓ Have one year of legal experience which is directly related to the position being filled and equivalent to the GS-14 grade level in Federal service.

CONDITIONS OF EMPLOYMENT:

- ✓ Must maintain an active bar membership and be in good standing throughout employment in the Office of the General Counsel.
- ✓ The successful candidate must submit official law school transcripts.
- ✓ **Security and Background Requirements:** If not previously completed, a background security investigation will be required for all appointees. Appointment will be subject to the applicant's successful completion of a background security investigation and favorable adjudication. Failure to successfully meet these requirements may be grounds for appropriate personnel action. In addition, if hired, a background security reinvestigation or supplemental investigation may be required at a later time. Applicants are also advised that all information concerning qualifications is subject to investigation. False representation may be grounds for non-consideration, non-selection and/or appropriate disciplinary action.
- ✓ **E-Verify:** If you are selected for this position, the documentation that you present for purposes of completing the Department of Homeland Security (DHS) Form I-9 will be verified through the DHS "E-Verify" System. Federal law requires DHS to use the E-Verify System to verify employment eligibility of all new hires and as a condition of continued employment obligates the new hire to take affirmative steps to resolve any discrepancies identified by the system. The U.S. Department of Health and Human Services is an E-Verify Participant.
- ✓ **Direct Deposit:** All Federal employees are required to have Federal salary payments made by direct deposit to a financial institution of their choosing.
- ✓ **All qualification requirements must be met by the closing date of the announcement.**
- ✓ Financial disclosure statement will be required.

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- ✓ Two-year trial period may be required.
- ✓ One-year supervisory probationary period may be required.
- ✓ Travel, transportation, and relocation expenses will not be paid.
- ✓ This position is not in a bargaining unit.

INSTRUCTIONS TO APPLY:

To receive full consideration, please submit the following documents to Ms. Tracy Leone at OGCR9Hiring@hhs.gov by 11:59 p.m., November 27, 2016:

- Cover letter
- A Qualifications Statement that provides a description of your experience and qualifications with respect to each of the following categories:
 - 1) Legal analytical skills: Ability to analyze complex legal problems and to direct the preparation of a finished legal document or other legal products. Experience should indicate a high level of analytical skills and excellent writing ability.
 - 2) Litigation experience: Previous litigation experience in any of the program areas or subject matter areas outlined under 'Major Duties' above, as well as the ability to effectively formulate the Department's position in these proceedings, and to develop litigation strategy for the defense and prosecution of matters involving nationwide impact under the applicable programs.
 - 3) Supervision and training skills: Ability to manage and supervise the work of attorneys, paralegals, and support staff of various grades and levels of experience, as well as to facilitate the effective training of less experienced attorneys and non-attorneys.
 - 4) Client relationship and representation skills: The ability to relate effectively with officials of the client units and to serve as an effective spokesperson for the Office and the Department in dealing with agencies and individuals outside the Department.
- If you are a current Federal employee, please provide a copy of your last performance appraisal and a copy of your latest SF-50.
- Resume (must include education, including names of undergraduate and law schools, degrees received and dates graduated; date admitted to bar and jurisdiction; a general description of all past employment relevant to the practice of law, including dates of employment and supervisors' name(s) and telephone number(s). Current employers will not be contacted without prior notice to a candidate.)
- Legal writing sample (no more than 10 pages)
- Law school transcripts if graduated from law school within the past five years
- Proof of bar status and standing. You must provide proof that you are a current, active member of a bar of the highest court of a State, U.S. commonwealth, U.S. territory, or the District of Columbia.
- References and contact information (at least three professional)
- No telephone calls please