United States Environmental Protection Agency
POSITION DESCRIPTION COVERSHEET

1. DUTY LOCATION Washington, D.C.

2. POSITION NUMBER EPGS17035

3. CLASSIFICATION ACTION: a. Reference of Series and Date of Standards Used to Classify this Position

	b. Title	c. Pay Plan	d. Series	e. Grade	f. CLC
Official Allocation	Deputy General Counsel	GS	0905	15	
4. Supervisor's Recommendation	Deputy General Counsel	GS	0905	15	

5. ORGANIZATIONAL TITLE OF POSITION (if any)
Deputy General Counsel

6. NAME OF EMPLOYEE
Marcella Burke

7. ORGANIZATION (Give complete organizational breakdown)

a. U.S. ENVIRONMENTAL PROTECTION AGENCY

b. Office of General Counsel

c. Immediate Office

d.

e.

f.

g.

h. Employing Office Location Washington, D.C.

i. Organization Code C0000000

8. SUPERVISORY STATUS

☐ [2] **Supervisor or Manager**. Position requires the exercise of supervisory or managerial responsibilities that meet, at least, the minimum requirements for application of the General Schedule Supervisory Guide (GSSG) or similar standards for minimum supervisory responsibility specified in other position classification standards.

☐ [4] **Supervisor**. Position meets the definition of Supervisor in 5.U.S.C. 7103(a)(10), but does not meet the minimum requirements for application of the GSSG.

☒ [5] **Management Official**. Position meets the definition of Management Official in 5.U.S.C. 7103(a)(11), but does not meet the GSSG definition of Supervisor/Manager or the definition of Supervisor in 5.U.S.C. 7103(a)(10).

☐ [6] **Lead** Position leads a team performing one-grade interval work and meets the minimum requirements for application of Part I of the Work Leader Grade Evaluation Guide (WLGEG) or is under a wage system and meets similar minimum requirements as specified by those job standards or other directives of the applicable pay system.

☐ [7] **Team Leader**. Position leads a team performing two-grade interval work and meets the minimum requirements for application of Part II of the WLGEG.

☐ [8] **All Other Positions**. Position does not meet any of the above definitions. This is a non-supervisor/non-managerial position.

9. SUPERVISORY CERTIFICATION I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out governmental functions for which I am responsible. The certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor		d. Typed Name and Title of Second-Level Supervisor	
Kevin S. Minoli, Acting General Counsel		E. Scott Pruitt, Administrator	
b. Signature For	**c. Date** 9/6/17	**e. Signature**	**f. Date** 9/7/17

10. OFFICIAL CLASSIFICATION CERTIFICATION: I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.

a. Promotion Potential
☒ This position has no promotion potential ☐ If position develops as planned and employee progresses satisfactorily, this position has known promotion potential to grade: _____

b. PSB Risk Designation	c. Financial Disclosure Form	d. "Identical, Additional" (IA) Allocation	e. FLSA Determination	f. Functional Classification Code
☐ 1 Low ☐ 2 Moderate ☒ 3 High Security Clearance Required: ☐ Yes ☒ No	☐ OGE-450 Required ☒ OGE-278 Required ☐ No financial disclosure forms required	This position ☐ may be IA'ed ☒ may not be IA'ed ☐ is limited to current incumbent	☐ NONEXEMPT ☒ EXEMPT* (*check exemption category) ☐ Administrative ☒ Professional ☐ Executive	

g. Bargaining Unit Code	h. Check, if applicable:	i. Classifier's Signature	j. Date
8888	☐ Medical Monitoring Required ☐ Extramural Resources Management Duties (____% of time) ☐ This position is subject to random drug testing (____)		09/07/17

11. REMARKS
Schedule C Possession/Appointment

DEPUTY GENERAL COUNSEL

GS-905-15

INTRODUCTION

This position is located in the Immediate Office of the General Counsel. The incumbent serves as Deputy General Counsel. In this capacity, the incumbent provides expert legal advice and assistance to the General Counsel on a wide variety of complex legal issues, with a particular focus on issues arising in litigation and legislation pending before Congress. The Deputy General Counsel reports to the General Counsel.

SUPERVISORY CONTROLS

Receives broad general direction and policy guidance from the General Counsel. Within this framework is allowed wide latitude in the exercise of initiative and judgment in performing assigned duties in a highly independent manner. Work is subject to review only for attainment of overall objectives and compliance with broad policies.

MAJOR DUTIES AND RESPONSIBILITIES

1. Serves as Deputy General Counsel and provides legal advice and counsel on litigation or legislative matters as they relate to the programs of EPA and the policies and programs supported and advocated by Congress and the Administration in order to provide expert advice and recommendation to the General Counsel in the formulation of its legal policies.

2. Assists in the development of overall legal strategies, plans and policies of the Agency and in the resolution of any conflicts which may arise in the application of these policies in litigation and legislative matters.

3. Provides continuing and ad hoc studies to analyze and recommend solutions to highly urgent policy matters. Determines the existence of developments and trends which appear to significantly influence the OGC's programs and recognizes the need for further studies, if necessary. Based upon analysis of trends and problem areas, recommends the development of new or modified methods, policies, procedures and programs.

4. Represents the General Counsel at all levels of government, including Federal, State, municipal and county agencies, as well as private industry and citizen groups. Provides information and advice concerning OGC activities and interprets existing and proposed plans and policies. Applies a broad and comprehensive knowledge of problems involved in effective relationships between various government levels, etc.

5. Attends conferences for and with the General Counsel, assesses the impact and subsequent relevance of all matters discussed and suggests to the General Counsel possible avenues of approach. Represents and speaks for the General Counsel at high level meetings and conferences involving key officials of other Federal agencies, State and local governments, and others. Presents the General Counsel's point of view and explains OGC policies and programs. Makes presentations to professional groups, universities, and industrial associations. Incumbent may provide professional publications and papers analyzing recent developments in the law.

6. Reviews for the Office of General Counsel all pending legislative proposals, witness testimony for Congressional hearings and EPA responses to Congressional requests. Serves as the General Counsel's representative in advising on any new legislative proposals that affect EPA statutory authorities.

7. Reviews briefs, raising significant legal and policy issues that are prepared for filing in the Federal courts.

8. Performs other duties as assigned.

QUALIFICATIONS

The incumbent must have an LL.B. or J.D. degree from an accredited law school; must be admitted to practice before the highest court of a State, U.S. territory, the District of Columbia, or the commonwealth of Puerto Rico; and must maintain active status as a member of the Bar of one of these jurisdictions.

United States
ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460

Personnel Security Branch – Risk Communication Checklist

HR SSC Specialists must complete this form for all personnel actions (recruitments, appointments, promotions, reassignments) that involve a change in position or position description. The completed form will help the Personnel Security Branch (PSB) process individuals for background investigations and access badges.

Answer all questions based on the full performance level (FPL) position description.

SF-52 / Action Number:	OGC-17-056
HR Specialist's Name:	Howard Barnett
HR Specialist's Email:	Barnett.howard@epa.gov
HR Specialist's Phone #:	564-0394
"Action Requested By" Name:	Kevin Minoli
"Action Requested By" Email:	Minoli.kevin@epa.gov
"Action Requested By" Phone #:	564-5551

Employee Common Identifier (ECI):	2335484 *Please enter the Employee Common Identifier (ECI) if available*
Last Name:	Burke
First Name:	Marcella
Employee Email:	Mcburke111@gmail.com *For Recruitment and Appointment actions, this should not be an EPA email address*
Program Office / Region:	OGC
Location City and State:	Washington, DC
Building Name:	WJC North
Action Requested:	☒ Appointment ☐ Recruitment ☐ Promotion ☐ Reassignment
Position Title:	Deputy General Counsel
Functional Title (if applicable):	Enter in the Functional Title (if applicable).
Pre-designated Position:	☐ Yes ☐ No
Eligible for EPASS Badge:	☐ Yes ☐ No *EPASS badge eligibility is based on the duration of the action. If the duration is greater than 6 months, eligibility is "Yes." If the duration is 6 months or less, eligibility is "No."*
Service Agreement Number (SAN):	Enter in the Service Agreement Number (SAN). *The SAN will be used to pay for the fingerprint check and the background investigation, if needed. For help, please see http://intranet.epa.gov/oa/smd/hqsecurity/pss_san.htm*

Complete the following section if the Employee is here for more than (6) months;

From the OPM Tool or the Position Designation Summary document, please identify the following:

Specify the Risk Designation Level and Background Investigation for the position:

☐ Low Risk / Tier 1
☐ Moderate Risk / Tier 2S
☐ Moderate Risk with Clearance / Tier 3
☒ High Risk / Tier 4, BI
☐ High Risk with Clearance / Tier 5, SSBI

Specify the Security Clearance and Sensitivity requirements for the position:

☒ None / Non-Sensitive ☐ Secret / Non-Critical Sensitive ☐ Top Secret / Critical Sensitive

** If a clearance is needed, please identify the appropriate clearance level and ask the hiring manager to forward to PSB the justification memo for the clearance. For additional information, please see: http://intranet.epa.gov/oa/smd/hqsecurity/pss_clearance.htm*