

New York State Department of Civil Service
DIVISION OF CLASSIFICATION & COMPENSATION

Classification & Salary Guidelines

Occ. Code 6529000

Counsel, NS	M-4, M-5, M-6, M-7	6529000
Deputy Counsel, NS	M-4, M-5, M-6	6529800

Brief Description of Class

Counsels serve as the chief legal officer for the agency or authority, and are responsible for the overall direction and supervision of the legal office.

Deputy Counsels work under the general direction of an agency Counsel and assist in the management of an agency's legal office by providing legal advice to the agency head, and executive and program staff. A Deputy Counsel serves as second-in-command of a legal office or directs a major legal unit.

Distinguishing Characteristics

Counsel

Factors that determine the level of Counsel include agency size; variety and complexity of laws and regulations governing agency operations; frequency of legal and regulatory changes impacting agency; role in executive level decision making; and number and level of professional legal staff supervised.

M-4: oversees a legal office for a small to medium size agency characterized by some difficulty in the laws administered, and few changes in the legal and regulatory environment; reports to an executive deputy; has limited involvement in agency management; and supervises a small professional legal staff.

M-5: oversees a legal office for a medium size agency characterized by increased difficulty in the laws administered, and frequent changes in the legal and regulatory environment; reports to an executive deputy; has some involvement in agency management; and supervises a medium size professional legal staff.

M-6: oversees a legal office for a large agency governed by varied and complex laws and regulations, and frequent changes in the legal and regulatory environment; reports to the agency head; participates in agency management; and supervises a large and high level legal staff.

M-7: oversees a legal office for the largest agency governed by varied and most complex laws and regulations; frequent changes in the legal and regulatory environment; reports to the agency head; participates in agency management; and supervises a large and high level legal staff.

Deputy Counsel

Factors that determine the level of Deputy Counsel include agency size; variety and complexity of laws and regulations governing agency operations; frequency of legal and regulatory changes impacting agency; and number and level of professional legal staff supervised.

M-4: serves as the second-in-command in a legal office for a medium size agency characterized by increased difficulty in the laws administered, and frequent changes in the legal and regulatory environment, and supervises a medium size professional legal staff; or oversees a major legal unit with multiple supervisory legal positions in a large agency.

M-5: serves as the second-in-command in a legal office for a large agency governed by varied and more complex laws and regulations, and frequent changes in the legal and regulatory environment, and supervises a large and high level legal staff; or oversees a major legal unit with multiple second-level supervisory legal positions in the largest agency.

M-6: serves as the second-in-command in a legal office for the largest agency governed by varied and most complex laws and regulations, and frequent changes in the legal and regulatory environment; and supervises the largest and highest level legal staff.

Deputy Counsel

Factors that determine the level of Deputy Counsel include agency size; variety and complexity of laws and regulations governing agency operations; frequency of legal and regulatory changes impacting agency; and number and level of professional legal staff supervised.

M-4: serves as the second-in-command in a legal office for a medium size agency characterized by increased difficulty in the laws administered, and frequent changes in the legal and regulatory environment, and supervises a medium size professional legal staff; or oversees a major legal unit with multiple supervisory legal positions in a large agency.

M-5: serves as the second-in-command in a legal office for a large agency governed by varied and more complex laws and regulations, and frequent changes in the legal and regulatory environment, and supervises a large and high level legal staff; or oversees a major legal unit with multiple second-level supervisory legal positions in the largest agency.

M-6: serves as the second-in-command in a legal office for the largest agency governed by varied and most complex laws and regulations, and frequent changes in the legal and regulatory environment; and supervises the largest and highest level legal staff.

The four categories of agencies are based on size and are as follows: largest (over 8,000 employees), large (1,501-8,000 employees), medium (500-1,500 employees), and small (fewer than 500 employees).

Illustrative Duties

Counsel

- Provide legal counsel, services, and representation to the agency or authority; and in matters of significant importance and sensitivity, personally represent the entity and its leadership.
- Oversee the drafting of legislative proposals and their submission to Governor's Counsel. Answer inquiries from the Executive Chamber and legislative staff on proposed legislation.
- Review all proposed and existing federal, State, and local legislation affecting the agency or authority; and make recommendations for appropriate action.
- Review agency or authority's application of law and related policies and regulations; and render formal opinions to various parties.
- Serve as liaison between the agency or authority and the Governor's Counsel on matters of legal significance.
- Work with the Attorney General's Office to develop responses to matters in litigation and provide legal counsel to the agency head and executive staff on issues under litigation.
- Present testimony in court and other adjudicatory setting.
- Advise the agency head on laws, rules, and regulations governing the operations of the agency or authority, and duties and responsibilities as a member of special committees.
- Direct the drafting of agreements and contracts and ensure they contain appropriate protections.
- Conduct special studies or participate in special assignments as directed by the agency head.
- Represent the agency or authority at meetings and events of professional associations and civic groups.

- Perform administrative tasks such as overseeing the hiring of employees, writing of budget justifications, and purchasing of equipment and services.
- Supervise and mentor subordinate staff by providing training and evaluation.

Deputy Counsel

In addition to performing the duties outlined above for Counsel other duties include:

- Write legal recommendations for resolving complaints.
- Develop, review, and approve agency regulations.
- Review and approve stipulations, orders, and expungement letters.
- Oversee the compliance process for service agreements.
- Oversee Project Sunlight to comply with State laws governing outside influence on decision making.
- Serve on numerous agency committees to provide legal guidance.
- Complete the chapter implementation report by monitoring legislative bills that are either approved or vetoed by the Governor after each legislative session and advising program staff as to implementation details in the case of an approval, or consequences in the case of a veto.
- Handle Office of Inspector General referrals for investigations or audits.

Minimum Qualifications

M-4: law degree from an accredited law school; admission to, and member in good standing of, the New York State Bar; and six years of relevant post-bar experience.

M-5: law degree from an accredited law school; admission to, and member in good standing of, the New York State Bar; and seven years of relevant post-bar experience.

M-6: law degree from an accredited law school; admission to, and member in good standing of, the New York State Bar; and eight years of relevant post-bar experience.

M-7: law degree from an accredited law school; admission to, and member in good standing of, the New York State Bar; and nine years of relevant post-bar experience.

Note: Classification & Salary Guidelines illustrate the nature and scope of duties and responsibilities of the exempt classes they describe, and the recommended salary ranges for such classes. These guidelines cannot and do not include all the work that might be appropriately performed by a class. The minimum qualifications above are those recommended for appointment at the time the guidelines were written.

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