

**STATE OF HAWAII  
DEPARTMENT OF DEFENSE  
OFFICE OF THE ADJUTANT GENERAL  
3949 DIAMOND HEAD ROAD, HONOLULU, HAWAII 96816-4495**

29 April 2016

**ONE TIME OCCASIONAL TOUR (OTOT)  
Hawaii Army National Guard  
Vacancy Announcement No. FY2016 - 14  
List of Eligible**

The following Commissioned Officer position vacancy in the Hawaii Army National Guard is announced. This vacancy is to be filled under the provisions of Title 32, USC 502(f) and Section 502 Public Law 98-94. This is a **ONE TIME OCCASIONAL TOUR (OTOT) up to 3 years** in Active Guard/Reserve (AGR) status. This vacancy is to be filled through a competitive selection process. Final selection will be based upon qualifications, suitability, and available manpower resources.

**POSITION AND LOCATION:** Staff Judge Advocate for the Hawaii National Guard, AOC 27A, working for the Adjutant General located at Joint Force Headquarters, 3949 Diamond Head Road, Honolulu, Hawaii 96816. Applicants, who have applied for a previous Job Vacancy Announcement, **NEED TO REAPPLY**.

**CLOSING TIME/DATE:** Applications must be received by the Hawaii Human Resources Office (HIHRO) or postmarked **NLT 31 May 2016**. The list of eligible will be based upon the APPOINTMENT REQUIREMENTS and AREA OF CONSIDERATION applicable to the specific vacancy.

**POSITION DESCRIPTION:** See below for general description of Duties and Responsibilities.

**AREA OF CONSIDERATION:** Open to **Present, Commissioned Officers, Nationwide**, belonging to any component of the U.S. Army who are current members or are eligible to become members of the Hawaii Army National Guard, in the grade of O2 – O5. All applicants MUST be 27A qualified, a graduate from a law school accredited by the American Bar Association and currently a member in good standing of the **bar of the State of Hawaii** to comply with Hawaii Revised Statutes section 124A-6.

**SALARY:** Military Pay and Allowances, based on military rank held and creditable years of service

**PROJECTED AGR START DATE:** Open.

**EQUAL EMPLOYMENT OPPORTUNITY:** All applicants will receive equal consideration for appointment without regards to race, religion, color, national origin, public affiliation, or any other non-merit factor(s).

**APPOINTMENT REQUIREMENTS:** **Commissioned Officer** personnel, in the Area of Consideration as stated above, who are currently on suspension of favorable actions or pending any adverse actions, will **NOT** be considered. Upon selection, the selectee will be medically evaluated for clearance by the Office of the State Surgeon (POC: Deputy State Surgeon). If the selected individual is an IDT soldier, he/she must have a favorable Periodic Health Assessment (PHA) in accordance with (IAW) AR 40-501, Chapter 3, conducted within 12 months prior to the start of the tour. Individual must also have a Human Immunodeficiency Virus (HIV) test within the last 24 months prior to start IAW AR 600-110 and meet body composition standards prescribed in AR 600-9. If PULHES numerical indicator has a P3 or P4, then the requirements of AR 600-60 must be met prior to start of the tour. Individual will be required to participate in IDT, AT, Special Projects, or other activities requiring their presence. Persons entitled to Permanent Change of Station (PCS) allowances/benefits may be eligible for consideration contingent upon availability of PCS funds from NGB. (See item #5 below).

**ELIGIBILITY CRITERIA:** Current employed Active Duty Personnel, Military Technicians, AGR Soldiers serving on a subsequent tour (excluding Soldiers within the first 18 months of an initial tour) and IDT personnel, belonging to any component of the U.S. Army within the grades specified above are eligible to apply for this position.

**APPLICATION PROCEDURES:** Individuals may apply by submitting the following required documents to the HIHRO.

- (1) Signed NGB Form 34-1 (Application for Active Guard/Reserve (AGR) Position, version November 2013). **Signature will be in original or digital signature. Errors, omissions of information, application completed in pencil or unsigned, and those that are late due to the mail system will be returned without action.**
- (2) Medical Protection System (MEDPROS) printout of Individual Medical Readiness (IMR) dated within the last 12 months.
- (3) Last five (5) Officer Evaluation Reports (OERs).
- (4) Certified Officer Record Brief (ORB).
- (5) NGB Form 23B (Army National Guard Retirement Points History Statement) if applicable.
- (6) DD Form(s) 214 and/or DD Form(s) 220 (All periods of active duty).
- (7) DA photo taken within the last 36 months.
- (8) Proof of highest level of Civilian Education acquired.
- (9) Proof of security clearance (JPAS printout).
- (10) Copy of DA Form 705 reflecting passing APFT and passing height/weight data (must meet standards IAW AR 600-9), both taken within twelve (12) months from JVA closing date. **Also include three additional previous APFTs.**
- (11) Knowledge, Skills, and Abilities (KSAs). Below are listed the KSAs for this position. Each applicant **must address each KSA individually in paragraph format** by explaining any civilian and military work experience(s) (with dates) that provided the KSA. These comments must be addressed in the order they appear below and attached (separate sheet) to the application when applying for the position. **Failure to include the attachment for the KSA statement will result in your application NOT being considered for employment.**
  - a. Knowledge and experience in the practice of federal law, Hawaii statutes, military law, and administrative policy.
  - b. Ability to conduct in-depth legal research.
  - c. Ability to communicate effectively both orally and in writing with skill in completing clear, concise and convincing reports.
  - d. Ability to advise and interact with senior officials, both military and civilian.
  - e. Ability and skill to understand, interpret, and apply substantive law and the ability to assimilate technical subject matters, define issues, and analyze and evaluate evidence.
- (12) Resume (submitted in any format).
- (13) Official law school transcript. Photo static copies of documents are acceptable when applying but certified documents may need to be furnished before entering duty.

- (14) Official certificate showing that you are a member in good standing of the **bar of Hawaii**, together with a sworn [notarized] statement from you that your fitness to practice law or conduct as an attorney has never been challenged in any jurisdiction to the best of your knowledge, or if either has been challenged, a sworn [notarized] statement concerning the facts and circumstances and any other explanation that you consider appropriate may be submitted. As an alternative to a sworn [notarized] statement, a declaration under penalty of perjury may be submitted in the following format: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct...executed on (date)... (your signature)." (28 U.S.C. 1746). The statement and certificate must be dated within three months of the date the application is submitted.
- (15) Examples of writing skills as demonstrated by legal briefs, memoranda, or letters. These examples should total no more than ten pages in length. Extracts of selected sections of larger documents are acceptable.

#### **NOTES TO APPLICANTS:**

1. Each applicant is personally responsible for submitting his or her application package to the HIHRO on or before the closing date stated on this JVA. Applications postmarked (U.S. Postal Service) on or before the closing date of this JVA will be accepted. Postmarks by private letter carriers (Federal Express, UPS) will **NOT** be accepted. **Federal law prohibits the use of government envelopes, postage, or facsimile to submit the application. Applications received in such manner will NOT be accepted and will be returned.**
2. Sending application/other supporting forms by e-mail is not allowed. Applications can be hand delivered or mailed to: Human Resources Office, ATTN: HIHRO-A, 3949 Diamond Head Road, Honolulu, HI 96816-4495. The office is located in Bldg. 306, Rm 214.
3. Each applicant will ensure that supporting documents, to include diplomas, orders, etc. are submitted with the application as evidence of meeting the APPOINTMENT REQUIREMENTS. **Failure to do so may result in a finding of ineligibility and may cause the applicant to lose consideration for this position.**
4. Request for exceptions to, or waivers of APPOINTMENT REQUIREMENTS as specified herein will **NOT** be accepted. Waiver for certain basic ELIGIBILITY CRITERIA will be considered and must receive NGB approval.
5. Permanent Change of Station (PCS) expenses may be authorized for this position. Authorization for payment of PCS expenses will be granted **only after** a determination is made that PCS is in the best interest of the Hawaii Army National Guard and upon availability of funds from the National Guard Bureau.
6. **This is a ONE TIME OCCASIONAL TOUR (OTOT) not to exceed three years. Selection for this position does NOT constitute accession into a permanent AGR program. Upon completion of the OTOT, the Soldier will return to a traditional status and is not entitled to be entered into the career AGR Program.**
7. If your application/resume is referred to the selecting official, you may be contacted for an interview, however, this is optional.

## **STAFF JUDGE ADVOCATE DUTIES AND RESPONSIBILITIES**

1. **SUPERVISORY CONTROLS** Incumbent functions under the administrative oversight of the state/territory Adjutant General. Incumbent independently determines work objectives, plans and organizes work; investigates the facts; researches precedents; determines need and sources of additional counsel; prepares necessary legal documents; evaluates courses of action, develops conclusions and renders counsel and recommendations. Completed work is assumed to be accurate and is frequently tantamount to the organization's final position.

### **2. DUTIES AND RESPONSIBILITIES**

a. Serves as full-time professional legal advisor and support to The Adjutant General (TAG) and the Commanders of Army National Guard (ARNG) and Air National Guard (ANG) forces within the Hawaii National Guard. Advises the TAG on all legal matters pertaining to the Army and Air National Guard. Provides expert guidance on the impact of current and proposed state and federal laws have on the Hawaii National Guard.

b. Provides full-time professional and legal advice to the Senior Leaders and the state level staff in the Hawaii National Guard on all legal matters pertaining to the Army and Air National Guard.

c. Serves as the Designated Agency Ethics Counselor as appointed by Chief, NGB and approved by the TAG providing opinions on all aspects of ethics to include but not limited to financial disclosure reporting requirements, mandatory ethics training, issuance of advisory ethics opinions, development of the yearly ethics training program, providing well researched advice on all aspects of government ethics as it applies to the various categories of personnel employed with the HING.

d. Principal legal advisor to the United States Property & Fiscal Officer (USPFO) providing legal advice and guidance on all areas of contract and fiscal law to include but not limited to all government contracts (solicitations, awards etc.) and cooperative agreements, performance and payment bonds, ratifications actions, Memorandums of Agreement and Memorandum of Understanding, and any other contract of fiscal law issue. Advises ARNG and ANG contracting officers, reviews contracts, procurement actions and real property matters involving Federal and state/territory funds (some involving substantial amounts of money) for legal sufficiency, appropriate titling and claim initiation or resolution actions.

e. Serves as the Hawaii National Guard litigation point of contact in all legal matters in state/territory and Federal courts of original or appellate jurisdictions under and within proper legal authority. Seeks to prevent avoidable litigation, but may serve as Special Assistant to the U.S. Attorney or Assistant Attorney General as those entities dictate with duties which may include investigations of fact and legal sufficiency; advising on administrative remedies; develops the trial strategy, content and means of presentation, and trial delivery; make motions; and conducts post-trial duties. Prepares litigation reports, briefs, pleadings and other papers associated with litigation involving the Hawaii National Guard interests. Advises on discovery obligations for senior leaders and members of the Hawaii National Guard. Coordinates with appropriate authorities regarding legal issues such as the impact of restrictions upon National Guard members providing official testimony in civilian actions, Federal Torts Claims Act claims (or potential claims); tort and criminal actions involving the Hawaii National Guard and provides liaison between the various federal and state offices and the Hawaii National Guard.

f. Advises on the legal, factual and other impacting aspects of drafting, interpretation and application of legislation, regulation, tasking orders, decision, opinions or other guiding, or lack thereof, instruments associated with national guard support to civil authorities to include but not limited to cyber issues, intelligence oversight, advising on Federal and state/territory Executive Orders used in response to domestic emergencies and natural disasters. These include interagency (Federal-to-Federal, Federal-to-state/territory and state/territory-to-local) homeland security & emergency management initiatives, policy, legislative proposals or implementation plans. Advises appointed and elected leaders on the appropriate use of National Guard personnel, resources and status issues for critical and diverse missions, emergency responses, contingencies and exercises, ensuring execution is consistent legislative intent.

g. Advises on all aspects of the military disciplinary processes, including punitive and non-punitive actions. Provides updates on the status of these actions, renders timely and thorough legal opinions on all military disciplinary processes.

h. Serves as legal advisor to investigating officers for AR 15-6 or Command Directed Investigations. Drafts legal reviews of these investigations, as well as those conducted by the Inspector General.

i. Acts as the state Adjutant General's representative in third-party proceedings under the Federal Labor-Management Relations Statute. Reviews technician collective bargaining agreements for legal sufficiency. Upon designation by the State Adjutant General, may participate in collective bargaining as a member of the management negotiating team.

j. Conducts legal sufficiency reviews regarding FLIPS, Line of Duty determinations and similar administrative actions.

k. Performs other duties as required.