



DATE: JUNE 17, 2015

SUBJECT: **JOB VACANCY ANNOUNCEMENT – FSN/2015/03**

TO: **All Qualified Candidates**

JOB TITLE: **LEGAL ADVISOR**

WORK HOURS: Full time position – 40 hours/week

GRADE: **FSN- 12/** with the possibility of hiring the employee at a trainee level

Note: Due to the number of applications we receive, only applicants who have been short listed will be contacted by USAID.

A. BASIC FUNCTION OF POSITION

The Legal Advisor works under the supervision of the USAID/Senegal Resident Legal Officers (RLO) (Resident legal Officers (RLO)). The Legal Advisor provides legal and ethics advice and counsel on matters of US, international, and local law requiring professional legal expertise within all countries USAID/Senegal is operating (currently Senegal, Niger, Burkina Faso, Guinea-Conakry, Sierra Leone, Chad, Mauritania, Mali, and Guinea-Bissau). The Legal Advisor will receive technical guidance, work objectives, and assignments from the Resident Legal Officers (RLO).. The Legal Advisor is located in Dakar with possible periodic travel within Senegal and to other countries supported by USAID/Senegal (the “Mission”). Additional duties may be assigned by the Resident legal Officers (RLO) as necessary (i.e. additional program management responsibilities, office support, and/or advising in areas such as governance, and local system strengthening).

The work includes the full range of consultative, advisory, monitoring, management, data collection, and analysis associated with USAID program/project/activity planning and implementation, and the evaluative aspects of providing legal advice and counsel to USAID/Senegal on a variety of local law matters relating to Mission programs and operations (e.g., labor law, contractual matters, etc.), registration and taxation of implementing partners (IPs), customs, privileges and immunities under international law, and other bilateral issues that may arise. In addition, the Legal Advisor may also work on projects such as the current Presidential Initiatives in Senegal: Feed the Future (FTF), Global Health Initiative (GHI), Presidential Malaria Initiative (PMI), Global Climate Change (GCC), and Young African Leadership Initiative, as well as strengthening the sustainability of local government, NGOs and private businesses. In all the countries USAID/Senegal supports, the Legal Advisor will counsel, collaborate, and coordinate with USAID colleagues; work with US Embassy colleagues; and, will collaborate with colleagues from the donor community, international and local

Implementing Partners, entities of the host government from the local to national level, and international and local non-governmental organizations.

The Legal Advisor will be closely supervised and monitored in the performance of the duties, in compliance with the guidance contained in the Local Employees Handbook and established Mission practices

B. MAJOR DUTIES AND RESPONSIBILITIES

a. Legal Advice and Ethics Counseling – 40%

1. Provides highly specialized/technical legal advice and counsel to the Mission and its staff in nine West African Countries on local law matters relating to USAID programs and operations regarding sophisticated issues in relation to international laws on treaties and Vienna Conventions as well as local law. Writes legal opinions and briefs regarding questions of (local) laws and reviews program material for soundness and accuracy with respect to local laws. The Legal Advisor will assist the program and technical offices, as requested, in the design and implementation of activities.
2. Tracks and analyzes legislative and regulatory initiatives in the nine West African countries and prepares analytical reports on executive and legislative activities/developments affecting USAID or its partners for the Resident Legal Officers (RLO) , senior Mission management and the technical offices.
3. Assists the Resident Legal Officers (RLO) on all legal aspects of taxation of assistance and registration; and represents the Missions in meetings with host governments in the nine West African countries and other donors regarding legal issues.
4. Assists in the creation, review and analyses of memoranda of understanding, implementing procedures for the bilateral agreements, and other legal documents. Participates in negotiations on proposed memoranda and agreements, Global Development Alliance Guarantees, and Public-Private Partnership agreements. Drafts or reviews for legal sufficiency local leases and contracts, including contracts for procurement of goods and services funded by USAID.
5. Obtains information through direct liaison with senior Government officials including key ministries and Parliament. Maintains contacts with members of the private bar and judicial officials on matters of local law. As requested by the Resident Legal Officers (RLO) , provides legal assistance to other US Government agencies including the Embassies when questions of local law are involved.
6. Stays current with the laws and regulations of the nine West African countries. Maintains familiarity with the laws of the United States affecting USAID programs and operations (including the FAA, FSA and annual appropriations acts), regulations affecting USAID programs and operations (including the FAR, AIDAR and OMB Circulars), the worldwide

automated directive system (ADS), the Foreign Affairs Manual (FAM) and the Standard Rules of Ethical Conduct)..

7. Assists the Resident Legal Officers (RLO) in reviewing various issues for compliance with US law including disposition of assets/property issues, source, origin, nationality, participant training, bilateral issues, waivers and tax and customs questions.

8. Analyzes and evaluates policies affecting USAID program activities in the nine West African countries including tax issues as they pertain to the USAID programs and prepares analytical reports for key officials of the Mission. Drafts proposed letters to Ministry officials and advises on political ramifications. Advises Mission personnel on their proposed contacts with government officials and donors, e.g., what approach to use, and what to look for or to avoid.

9. Assists the Resident Legal Officers (RLO) on developing ethics training. Provides counsel on routine ethics issues.

b. Host Government Communications and Liaison – 30%

The Legal Advisor liaises with, and is a resource for, the host government entities involved in project implementation in the nine West African countries. Such liaison is required because USAID has significantly increased its use of local governments in connection with the implementation of assistance projects, requiring USAID to increase efforts to build capacity, and to ensure transparency and accountability, and to train and guide the local governments in managing U.S. Government (USG) funds and in the implementation of programs/projects/activities in a manner consistent with USAID regulations. As needed, the Legal Advisor provides training on the use of USAID implementation mechanisms, and on compliance with USAID regulations. The Legal Advisor must be proactive in facilitating communications between USAID and host-government entities. Communications are carried out in English and/or French, as the situation requires; and, communication may be in person, by phone, or in writing. The Advisor assists with monitoring host-government implemented programs/projects/activities to help ensure compliance with agreement terms and USAID regulations.

Maintains contacts with members of the private bar and judicial officials on matters of local law in the nine West African countries. As requested by the Resident Legal Officer, provides legal assistance to other U.S. Government agencies when questions of local laws are involved, and coordinates matters involving USAID litigation supervised by the Department of Justice.

c. Partner Communications and Liaison – 15%

The incumbent will be required to liaison with partners to ensure that they understand the operating environment and legal and ethical constraints in each of the nine countries and also to develop understandings of their challenges. To fulfill this responsibility, she/he will be proactive in facilitating communications amongst and between USAID, USAID's cooperating agencies in the nine West African countries and their local partners in a timely manner. These

communications will be carried out in English or French as the situation requires. Communication can be in person, by phone or written communications.

d. Official Interaction and Association –

15%

The Legal Advisor is expected to build and maintain productive professional working relationships with all categories of Mission employees and others (e.g., USAID, other USG agencies, US-based partners and their local partners, etc.); governmental officials, as coordinated through the Resident Legal Officers (RLO); US Embassy counterparts; the USAID/Washington Office of General Counsel; and other USAID/Washington Bureaus and Offices, as appropriate.

C. QUALIFICATIONS REQUIRED FOR EFFECTIVE PERFORMANCE

- a. **Education:** Completion of a University/College Degree and an advanced Degree (JD or equivalent, a LLM, or a LLB) in law is required. The Legal Advisor must be fully licensed to practice law in Senegal, and should also have passed the Senegalese equivalent of a US-style bar exam and be a member of the Senegalese bar, or its equivalent. Documentary evidence of license and qualifications will be required prior to engagement
- b. **Prior Work Experience:** The Legal Advisor position requires a minimum of seven years of progressively responsible legal experience, with at least five years of this experience with a USG Agency, a law firm, a Senegalese Ministry or other governmental agency, another donor organization, or an international/local organization.
- c. The Legal Advisor is expected to possess the necessary legal training and skills required to perform the duties/responsibilities required of the position upon entry. Post entry training will be focused primarily on established USAID policies, procedures, and regulations, including: USAID-specific laws that govern USAID activities, including the Foreign Affairs Act, appropriations law, and USAID regulations and policies; USAID-specific activity management and procurement systems; and, USAID-sponsored training in Project Design and Activity Management. Organized/formal training (both internal and external) may be provided from time-to-time depending on course offerings, applicability to the assignment, and the availability of funds.
- d. **Language Proficiency:** Level IV (fluent) in English and Level V (Native Speaker) in French is required. Bilingual fluency in speaking, reading, and writing is required. Given the nature of the position, effective written and oral communications are absolutely critical to successful performance. Any knowledge of other languages spoken in the nine West African countries would be desirable. Incumbent must be able to communicate effectively and accurately with (1) all categories of USAID/Senegal employees; (2) local government officials at the Senior Minister level and lower (as applicable); (3) numerous international and local partner, Non-Government Organization (NGO)s, organizations, donors and other embassies; (4) the USAID/Washington Office of General Counsel, Bureau for Democracy, Conflict and Humanitarian Assistance, and the Europe and Eurasia Bureau; and, (5) the general public. The incumbent is required to be able to prepare briefing documents (as/when required), including legal memoranda, legal opinions, and Memoranda of Understanding and participate in the drafting of annual Technical, Programmatic and Fiscal reports. The incumbent must also be able to prepare reports, correspondence, and documents in a professional and competent manner requiring little or no editorial changes (in English).
- e. **Job Knowledge:** A comprehensive knowledge of the concepts, principles, techniques, and practices in the area of law is required. Past work experience with and knowledge of taxation, labor law, contracts, and business and non-profit organizations, structures, and registration requirements is required. Past work experience with legal reform, rule of law, anti-corruption, public sector

transparency and accountability initiatives, capacity assistance to judicial branches of government, and legislation development activities is desired. Knowledge of appropriate government and non-government entities is critical to successful performance in the position and is required. In addition, the incumbent should have, after completing a twelve month probation period, a good understanding of U.S. Government legislation including annual appropriations laws; international law including governing treaties such as Bilateral Agreements and the Vienna Convention; USAID programming policies, regulations, procedures, and documentation; and, demonstrate a thorough understanding of the objectives, methodology, and status of USAID's Development Objective for the nine African countries.

- f. **Skills and Abilities:** Strong problem solving skills and ability to see the "big picture" and think long term while working under time pressure are critically important. The Legal Advisor is required to be able to: (1) obtain, analyze, and evaluate a variety of legal data; (2) organize and present legal and technical information in concise written and oral form), including legal memoranda, legal opinions, and Memoranda of Understanding and participate in the drafting of annual Technical, Programmatic and Fiscal reports; (3) identify, explain and resolve important and complex legal issues independently; (4) furnish information and advice/counsel in assigned areas objectively; (5) follow oral instructions, and organize, prioritize and follow through on all assignments with minimal oversight; (6) type accurately; (7) edit documents, (8) focus on details; and, (9) demonstrate proficiency in word processing, spreadsheets, databases and other computer applications (i.e. Microsoft Office, Excel, PowerPoint, etc.). The Legal Advisor must be able and willing to work additional hours beyond the established 40 hour workweek and outside the established Monday - Friday workweek as may be required or necessary. In addition, frequent travel may be required, as necessary. The Legal Advisor must be able and willing to work beyond specific duties detailed in this Program Description.
- g. **Nature and Extent of Contacts:** Ability to interact professionally and diplomatically with senior officials at the highest levels of the USAID Mission, the U.S. Embassy, donor organizations and ministries is essential as is the ability to establish and maintain cordial relations with a wide variety of personalities. Strong negotiation and persuasion skills and strong written and oral communications skills are required. Energy, enthusiasm and a "can do" orientation are desirable. The incumbent must also have the ability to establish and maintain contacts at all levels of the host governments (i.e., from the community level to the Ministerial level) and with stakeholders laws and regulations, policies, objectives and procedures. The incumbent must be able to transmit and interpret the host country governments' and non-governmental sector legal and/or program-related concerns to senior USAID officials, Mission Management and when necessary or required US Embassy personnel.
- h. **Ability to Work with Team/Regionally:** Excellent interpersonal skills and the ability to work effectively as a team member are required to: (1) facilitate productive professional relationships with the Resident Legal Officers (RLO) and other members of the USAID team, with implementing partners, and with national counterparts; (2) work calmly, tactfully and effectively under pressure; (3) demonstrate extreme flexibility; (4) effectively manage more than one issue/activity at a time in the performance of duties and responsibilities; and, (5) work effectively as a team member in established culturally diverse team environments. The Legal Advisor must be willing and able to travel extensively throughout the nine West African countries by car and plane for extended periods of time, as requested or necessary.

D. POSITION ELEMENTS

- a. **Supervision Received:** Incumbent works under the general supervision of the Resident Legal Officers (RLO) . The incumbent is required to be fully proficient in all aspects of legal work, to rely on the Resident Legal Officers (RLO) only for general policy direction and consultations on particularly sensitive or difficult issues and to be able to handle most issues and situations independently. The incumbent must be able to function successfully as Acting Resident Legal Officers (RLO) /Senior Legal Advisor in the absence of the Resident Legal Officers. The



incumbent will work under the supervision of the Resident Legal Officer, a U.S. Direct Hire, Foreign Service Officers for USAID/Senegal. In collaboration with the Legal Advisor, the Resident Legal Officers (RLO) will: 1) establish annual work objectives and performance measures; 2) review work outputs and accomplishments to ensure compliance with USAID policies, and implementation of best practices; 3) provide regular feedback to Legal Advisor throughout the Performance Evaluation Period; 4) prepare the annual Evaluation Report as/when required; and 5) obtain input from the appropriate staff members. As the Legal Advisor is expected to work with a high degree of independence, he/she must be able to establish priorities, adhere to and meet established deadlines, and perform responsibilities and duties with minimal guidance and limited follow up. The incumbent must be able and willing to work additional hours beyond the established 40 hour workweek and outside the established Monday Friday workweek as may be required or necessary. In addition frequent travel is required as necessary. The incumbent must be able and willing to work beyond specific duties detailed in this PD as assigned by USAID in direct support of USAID/Senegal's activities in the nine West African countries.

- b. Available Guidelines:** The Legal Advisor uses a wide variety of U.S., local West African and international legal materials, and USAID-specific rules, regulations and policy guidelines to perform the full range of legal services and provision of general advice to the Mission. These materials include but are not limited to U.S. statutes, laws of the nine West African Countries, the Federal Acquisition Regulation (FAR), the Agency for International Development Acquisition Regulations (AIDAR), the Automated Directives Systems (ADS), the internal RLA Handbook, the FSN Handbook, USAID/Senegal Mission Orders, the bilateral agreements between USAID and the local governments, and other relevant documents.
- c. Exercise of Judgment:** Judgment is a prime requisite for this position. The Legal Advisor must exercise mature and responsible judgment daily on a wide variety of sophisticated legal and quasi-legal issues with significant implications for USAID's personnel, programs and financial resources. Patience, tact, and mature judgment in dealing with complex questions of local law and their proper application to a variety of situations must be exercised by the Legal Advisor in this position. In instances not clearly covered by written guidelines, uses own judgment in devising innovative approaches to resolving technical, administrative, managerial, and/or policy problems. Substantial judgment must be exercised in setting priorities and deciding what outside assistance is necessary, and for conclusions and recommendations of analysis. The USAID Mission relies upon the incumbent's legal acumen and general advice. Other Agencies at Post may also look to the incumbent for guidance.
- d. Authority to Make Commitments:** The Legal Advisor will have no authority to authorize financial commitments. However, the Legal Advisor's guidance and advice is relied upon heavily by those with authority to make commitments and disbursements, including the Mission Director, Deputy Director, Controller, Contract Officer, and Executive Officer in approving strategic plans, policy, funding or budget documents, consistent with USAID policies.
- e. Nature, Level, and Purpose of Contacts:** Incumbent must maintain frequent contacts with a wide variety of persons both inside and outside the USAID, including the USAID Mission Front Office and senior staff (in both technical and support offices), the Embassy Assistance Coordinator, senior officials in other Embassy sections, key counterparts at other donors, key personnel, at other governmental bodies, and the American Chamber of Commerce. Persons with whom the incumbent must maintain contact are constantly changing and expanding and incumbent must maintain flexibility to reach out and establish relationships with new counterparts. Purposes of the contact are wide-ranging and include the communication of official USAID/U.S. Embassy positions on legal issues, the provision of recommendations on laws, regulations or procedures that need to be modified, the sharing of concerns on issues of mutual interest, the provision of suggestions on how to solve problems, and general information exchange.

- f. **Supervision Exercised: None.** This position is designated as non-supervisory.
- g. **Time Expected to Reach Full Performance Level:** The Legal Advisor will perform this range of activities for a period of at least one year (12 months).

HOW TO APPLY: Interested applicants with existing Senegalese Work Permits or who possess Senegalese Work Permits **MUST** submit a complete application package which includes:

- A cover letter,
- An OF-612 form (form can be found on this web site: <http://usaid.gov/senegal> under “doing business with USAID - Job Opportunities – Application form”) and
- A detailed resume plus 3 References.
- Hard copies of relevant degrees.

All the above mentioned documents are **REQUIRED** and must be prepared in English and should be addressed to:

Human Resources Specialist
Routes des Almadies
B.P. 49 - Dakar, Senegal
Email address: usaiddakar-hr@usaid.gov

Deadline to receive applications: July 12, 2014

EQUAL EMPLOYMENT OPPORTUNITY (EEO): *The US Mission in Senegal provides equal opportunity and fair and equitable treatment in employment to all people without regard to race, color, religion, sex, national origin, age, disability, political affiliation, marital status, or sexual orientation. USAID/Senegal also strives to achieve equal employment opportunity in all personnel operations through continuing diversity enhancement programs.*

The EEO complaint procedure is not available to individuals who believe they have been denied equal opportunity based upon marital status or political affiliation. Individuals with such complaints should avail themselves of the appropriate grievance procedures, remedies for prohibited personnel practices, and/or courts for relief.