

## YOUR EFFORTS WILL MAKE FI\$Cal A SUCCESS

### DUTY STATEMENT

<b>CLASSIFICATION TITLE</b> Career Executive Assignment B	<b>DIVISION NAME</b> Legal and Communications Office
<b>WORKING TITLE</b> Chief Counsel	<b>POSITION NUMBER</b> 333-150-7500-XXX
<b>EMPLOYEE NAME</b> Vacant	<b>EFFECTIVE DATE</b> January 21, 2020

You are a valued member of the FI\$Cal team. You are expected to work cooperatively with team members and others to enable the project to provide the highest level of service possible. Your creativity and productivity is encouraged. Your efforts to treat others fairly, honestly and with respect are important to everyone who works with you.

### **GENERAL STATEMENT**

Under the administrative direction of the Director, the Chief Counsel, Career Executive Assignment (CEA) B, serves as the principal legal advisor to the Department of Financial Information Systems for California (FI\$Cal) and the Director. The Chief Counsel provides general direction to the department's attorney; provides advice, counsel, and specialized legal services to the department on the most complex legal issues related to Information Technology (IT) contracts, conflicts of interest, human resources, regulations and policies. This position oversees procurements, negotiation of contracts, handles confidential personnel matters, drafts department policies and works with the legislative office.

The Chief Counsel has wide discretion and independence in the performance of duties and must be capable of functioning under pressure in politically sensitive situations to meet strict deadlines on an expedited basis.

### **SUPERVISION RECEIVED**

Reports directly to the Director, Department of FI\$Cal.

### **SUPERVISION EXERCISED**

Directly supervises, 1 - Attorney III and 1 – Staff Services Manager III.

## **ESSENTIAL FUNCTIONS**

The incumbent must be able to perform the essential functions with or without reasonable accommodation. Specific duties include, but are not limited to, the following:

<b><u>% OF TIME</u></b>	<b><u>ESSENTIAL FUNCTIONS</u></b>
<b>40 %</b>	<b>Legal Advisor</b> <ul style="list-style-type: none"><li>• Serve as the principal legal advisor to FISCal executives on the most difficult, complex, and sensitive legal issues and policy matters.</li><li>• Formulate, assist, or develop policies regarding the legal effects of rules, statutory law, proposed regulations and legislation, as well as administrative actions governing the activities of the IT systems procured and/or managed by FISCal.</li><li>• Provide expert advice and support on diverse and complex legal issues involving administrative and departmental programs, including interpreting State and Federal statutes.</li><li>• Conduct legal research and analysis on complex contract law. Enforce contractual provisions; oversee vendor contract termination notices and contracting requirements (e.g. Personal Services Contracts).</li><li>• Research and provide advice on contractual matters, contract disputes, including noncompliance with terms and conditions of contracts.</li><li>• Draft regulations and notices related to procurement rules, public contract rules, and appeal rights.</li></ul>
<b>25%</b>	<b>Employment Law</b> <ul style="list-style-type: none"><li>• Provide verbal and written legal advice on complex employment issues to FISCal executives.</li><li>• Keep abreast of changing laws related to personnel matters.</li><li>• Work closely with Human Resources Office and Labor Relations involving complex personnel and employment matters (e.g. advise and represent the Department in personnel matters, including reviewing, drafting, and enforcing adverse actions and other methods of progressive discipline).</li><li>• Oversee internal personnel investigations; prepare and present adverse actions and rejections during probation cases before the SPB; represent the Department of FISCal in Absence Without Leave (AWOL) cases before CalHR.</li><li>• Represent the Department before the Equal Employment Opportunity Commission, Department of Fair Housing and Employment, Victim Compensation and Government Claims Board, Fair Political Practices Commission, State Personnel Board, and the California Department of Human Resources.</li><li>• Represent the Department in personnel related litigation including whistleblower retaliation, discrimination and harassment suits.</li><li>• Review and provide recommendations on qualification or disqualification of candidates regarding background checks.</li></ul>

<b>15 %</b>	<b>Departmental Advice and Support</b> <ul style="list-style-type: none"> <li>• Provide verbal and written legal advice on complex issues relating to the work of the department.</li> <li>• Analyze and develop strategies on complex legal and administrative matters.</li> <li>• Prepare legal opinions, correspondence, pleadings, and other legal documents.</li> </ul>
<b>10%</b>	<b>Communications</b> <ul style="list-style-type: none"> <li>• Provide oversight and guidance on departmental communication developed by the External Affairs Office.</li> <li>• Anticipate, develop, and/or review communication resources and policies to response to crises.</li> <li>• Keep abreast of key regulatory and legislative developments and communicate issues to FISCal executives and key stakeholder groups.</li> <li>• Work closely with executives to develop and implement integrated influence and external communications strategies.</li> </ul>
<b>5%</b>	<b>Litigation</b> <ul style="list-style-type: none"> <li>• Coordinate with the Attorney General's Office on department litigation matters.</li> <li>• Assist the Attorney General's Office with interpretation of statutes, regulations, policies and procedures regarding the department's authority, and roles and responsibilities.</li> <li>• Review complaints, motions, and other pleadings. Assists in discovery and trial, including witness and expert preparation.</li> <li>• Represent department employees subpoenaed for deposition and trial testimony.</li> </ul>
<b><u>% OF TIME</u></b>	<b><u>MARGINAL FUNCTIONS</u></b>
<b>5%</b>	<ul style="list-style-type: none"> <li>• Perform other related duties as required to fulfill FISCal's mission, goals and objectives. Additional duties may include, but are not limited to, assisting where needed within the team/unit, which may include special assignments.</li> </ul>

### **KNOWLEDGE AND ABILITIES**

Knowledge of: Legal research; legal principles and their application; scope and character of California statutory law and of the provisions of the California Constitution; trial and hearing procedure; rules of evidence; court procedures; administrative law and the conduct of proceedings before administrative bodies; legal terms and forms in common use; statutory and case law literature and authorities; and provisions of laws and Government Code sections administered or enforced.

Ability to: Research, analyze, appraise, and apply legal principles, facts, and precedents to legal problems; analyze situations accurately and adopt an effective course of action; prepare and present statements of fact, law, and argument clearly and logically in written and oral form; prepare correspondence involving the explanation of legal matters; draft opinions, pleadings, rulings, regulations, and legislation; negotiate effectively and conduct crucial litigation; work cooperatively with a variety of individuals, organizations and maintain the confidence and respect of others; and work effectively under pressure.

### **SPECIAL REQUIREMENTS**

The incumbent will use interpersonal skills to develop constructive, cooperative working relationships with others, e.g., stakeholders, customers, management, peers, etc., to facilitate communication to improve the work environment and increase productivity. **Fingerprinting and background check is required.**

### **WORKING CONDITIONS**

The incumbent will need to be on-site at the department to carry out their duties. This position requires the ability to work under pressure to meet deadlines. The sensitivity of the department may require excess hours to be worked to achieve project schedule requirements. The incumbent should be available to travel as needed. The incumbent is expected to perform functions and duties under the guidance of the department's Strategic Plan. The incumbent provides back-up, as necessary, to ensure continuity of all department activities.

This position requires sitting in an office-setting environment with the use of a telephone and personal computer. This position requires daily use of a telephone, computer and general office equipment, as needed. This position requires use of a hand-cart to transport documents and/or equipment up to 20 pounds (i.e., laptop computer, projector, reference manuals, solicitation documents, etc.). This position requires the ability to handle stress. The incumbent must demonstrate a commitment to maintain a working environment free from discrimination and sexual harassment. The incumbent must maintain regular, consistent, predictable attendance, maintain good working habits and adhere to all policies and procedures of the department.

### **SIGNATURES**

I have read and understand the duties listed above and I can perform these duties with or without reasonable accommodation. (If you believe reasonable accommodation is necessary, discuss your concerns with the hiring supervisor. If unsure of a need for reasonable accommodation, inform the hiring supervisor, who will discuss your concerns with the assigned HR analyst.)

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Employee Signature

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Date

I have discussed the duties of this position with and have provided a copy of this duty statement to the employee named above.

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Hiring Manager Signature

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Date

H/R Analyst \_\_\_\_\_

**Date Revised: 1/21/2020**