**Duty Statement**

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| **POSITION BEING FILLED (CLASSIFICATION):** | **Attorney III** |
| **WORKING TITLE:** |  |
| **POSITION NUMBER:** | **400-429-5795-021** |
| **DIVISION:** | **Occupational Safety and Health** |
| **LOCATION:** | **Los Angeles Legal/BOI** |
|  **FORM 1#:** | **004915-19** |

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| **TENURE:** | **Permanent** |
| **TIME BASE:** | **Full-time** |
| **WWG:** | **SE** |
| **CBID:** | **R02** |
| **WORK SCHEDULE:** | **Monday – Friday**  |
| **WORKING HOURS:** | **8 am – 5 pm**  |

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| **CONFLICT OF INTEREST FILING (FORM 700)** | REQUIRED [x]  NOT REQUIRED [ ]  |

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| **GENERAL STATEMENT** |
| Under the general direction of the Chief of the Division of Occupational Safety and Health (DOSH) and the supervision of the Assistant Chief Counsels, Attorney IIIs represent DOSH in a wide range of legal issues within the jurisdiction of the Division. Attorney IIIs work with broad discretion and independence, and are expected to be experts in broad, complex and sensitive areas of employment law pertaining to occupational safety and health with knowledge of administrative proceedings, writs, and appeals. Duties include, but are not limited to: representing DOSH in complex and sensitive administrative hearings before the Occupational Safety and Health Appeals Board (the Appeals Board); representing DOSH in civil and writ litigation before California trial and appellate courts; representing and advising the Chief, management, and the Division with regard to policy, sensitive and high profile matters, and program direction; providing analysis and advice concerning Public Records Act requests; analyzing and drafting proposed legislation; drafting proposed regulations; appearing before the Occupational safety and Health Standards Board; and providing legal services on a wide variety of other issues that may arise in the operation of DOSH, in multiple substantive areas of law, including occupational safety and health law, administrative law, employment law, labor law, constitutional law, corporate law, bankruptcy law, criminal law, and civil procedure law.Essential functions of this position are to perform competently and with strong technical skills in the specific job duties identified below; to accomplish assigned legal work with minimal supervision and exercising broad discretion, while also taking and following direction from the Assistant Chief Counsels and DOSH leadership; to communicate effectively both orally and in writing, as required for the specific job duties, including by consistently producing well-written and compelling legal briefs and other written work product; to appear and perform competently and with a high degree of expertise and professionalism in civil or administrative courts; to communicate in a professional, respectful and productive manner with opposing counsel, clients, stakeholders, colleagues, and the public; to travel as necessary and as assigned; and to demonstrate good judgment and act with high ethical standards and professionalism.  |

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| **% OF DUTIES** | **ESSENTIAL FUNCTIONS** |
| 45% | Represent DOSH as a civil prosecutor before the Appeals Board in complex appeals and reconsideration proceedings through all stages of the hearing process, including, but not limited to, attending pre-hearing conferences and status conferences, preparing and responding to motions, petitions for reconsideration, discovery, and other legal correspondence; preparing and examining witnesses; and, conducting oral argument.  |
| 20% | Represent DOSH in writs of mandate filed by and against DOSH before trial and appellate courts; appeals of denial of a permit or revocation of a license or certification; and, the issuance of inspection warrants. |
| 20% |  Provide legal analysis, advice and representation to the Chief and the Division in one or more of the following subject areas, as assigned, and based on the operational needs of the unit: 1) assume responsibility for development and preparation of occupational safety and health and administrative enforcement regulations in conjunction with Administration and/or Occupational and Health Standards Board personnel; 2) conducts or advises in the conduct of regulatory variance hearings; 3) conducts or advises in the conduct of hearings to revoke or suspend certificates or permits issued by the Division; 4)analyzes, evaluates, and makes recommendations to the Chief concerning proposed legislation affecting the DOSH, including drafting and reviewing bill analyses for the Department of Industrial Relations; 5) assisting in the development and drafting of proposed legislation for the advancement of the Cal/OSHA program; and 6) coordinates legal aspects of responding to requests under the California Public Records Act, including assisting the Public Information Office with legal aspects of responding to public information inquiries. |
|  10% | Provide legal advice to Division Administration and compliance personnel concerning enforcement and other policy issues. May also provide legal advice to the DOSH Bureau of Investigations (BOI) or assist with responding to discovery or subpoenas as assigned. May act as lead or co-counsel over less experienced staff. |
|  | **MARGINAL FUNCTIONS** |
| 5% | Prepare curriculum for and conducts training of enforcement and consultation staff, writes or reviews sections of the DOSH Policy and Procedures Manual, drafts or reviews educational materials, and conducts presentations or other outreach to the public. Performs other related duties as required to fulfill the Division and Legal Unit objectives. |
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| **CONDUCT, ATTENDANCE, AND PERFORMANCE EXPECTATIONS** |
| The Attorney III is required to take substantial initiative, exercise a considerable amount of discretion, behave in an honest, fair and ethical manner, display superior work habits (e.g., organizational skills, accountability, timely completion of assignments), work independently, and produce the highest quantity and quality of legal work. The Attorney III is expected to be professional, courteous, and work cooperatively with all levels of DOSH management, staff, and the public. The Attorney III must maintain consistent and regular attendance. Attorneys will normally average forty hours of work per week including paid leave; however, depending on workload, special assignments, or projects, attorneys may occasionally be required to work beyond the forty hours per week and are expected to work all hours necessary to accomplish their assignments and fulfill their responsibilities. The Attorney III travels throughout the state as assigned with overnight stays of varying length and frequency.  |

**EMPLOYEE ACKNOWLEDGEMENT**

I have read and understand the duties listed above and I certify that I possess essential personal qualifications including integrity, initiative, dependability, good judgement, and ability to work cooperatively with others; and a state of health consistent with the ability to perform the assigned duties as described above 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 Office of Civil Rights).

**Print Employee Name Employee Signature Date**

**SUPERVISOR ACKNOWLEDGEMENT**

I certify this duty statement represents current and an accurate description of the essential functions of this position. I have discussed the duties of this position with the employee and provided the employee a copy of this duty statement.

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 **Print Supervisor Name Supervisor Signature Date**