

**STATE OF CALIFORNIA
CIVIL RIGHTS DEPARTMENT
DUTY STATEMENT**

Employee Name	Classification Name	Position Number
Vacant	Senior FEH Counsel (Specialist) (LT)	326-XXX-6115-959
Division/Unit	Date	Prior Pos # (if applicable)
Dispute Resolution Division	2/15/23	

SUMMARY OF RESPONSIBILITIES

A Senior FEH Counsel (Specialist) in the Dispute Resolution Division works as a mediator with minimum supervision, broad discretion, prudence, and independence, is expected to have a commanding understanding of the laws the Department enforces. Under the general supervision of the Deputy Director of the Dispute Resolution Division, with minimal review and substantial authority, a Senior FEH Counsel (Specialist) facilitates communications between complainants and respondents to discuss their dispute and reach a mutually agreeable resolution by performing the following duties:

Description of Essential Functions:

- 35% Judiciously schedule complex, difficult, and sensitive pre- and post-investigation mediations for individual, class, group, and systemic civil rights cases. Engage in pre-mediation work including:
- Review all documents in the Mediator Portal for the case.
 - Facilitate the convening of mediations in a manner that ensures parties understand the process and prioritizes the parties' needs and preferences with respect to timing and format (i.e. video, phone, in-person, etc.).
 - Conduct pre-mediation calls with parties to obtain further information about their positions.
 - Facilitate pre-mediation negotiations as appropriate.
 - Review and analyze parties' pre-mediation submissions, including mediation briefs and documents.
 - Research issues raised in the complaint, pre-mediation briefs, and other documents to identify any legal or policy concerns that need to be addressed prior to mediation or in mediation.
 - Inform DRD management of any concerns prior to the mediation, consistent with Division and Departmental policy.
 - Meet Dispute Resolution Division timelines and protocols for convening mediations.
- 35% Conduct a mediation fostering an environment that is mindful of the needs and sensitivities of the parties, including the following:
- Maintain awareness and adherence to mediation ethics and rules of professional conduct.
 - Assist parties in evaluating strengths and weaknesses of cases. Negotiate with parties and create an opportunity for a mutually agreeable resolution.
 - Meet Dispute Resolution Division timelines and protocols for conducting and completing mediations, and reporting outcomes.

25% Prepare and review written settlement agreements consistent with California law and Departmental procedures. Keep abreast of developments and changes in the law and conduct legal research as necessary. From assignment through closure of the mediation case, keep the parties informed about status, including mediation dates and case closure.

Marginal Functions:

5% Participate in Division wide activities, including working with and responding to management or administrative inquiries, attending staff meetings, education, outreach activities and/or training. Perform other duties/projects as assigned.

Desirable Qualifications:

- Completion of at least 40 hours of verifiable formal mediation training that includes conflict resolution, mediation theory and role-play and mastery of the laws governing mediation, including, but not limited to confidentiality.
- Mediation of numerous cases alleging employment, housing, or other forms of discrimination that may or may not have specified claims under Fair Employment and Housing Act, Unruh Civil Rights Act, and/or Ralph Civil Rights Act violations to conclusion in the role of mediator, including but not limited to group or class complaints.
- Excellent communication skills and ability to effectively interact with people in emotionally charged situations.
- Ability and experience in the role of mediator to effectively analyze issues in dispute, evaluate their importance and susceptibility to compromise and formulate ideas and practical suggestions for alternative solutions.
- Experience conducting mediations via videoconference using web-based platforms such as Zoom or other videoconferencing platforms.
- Ability to multi-task, meet deadlines and work well under time constraints.
- Excellent organizational and case management skills.
- Integrity, initiative, tact, dependability, good judgment, and ability to work independently and cooperatively.
- Ability to operate a computer and knowledge of MS Excel, Word, and Teams and other critical software programs.
- Ability to travel to conduct State business.

Work Environment, Physical, or Mental Abilities:

The demands described here are representative of those that must be met by the incumbent, with or without a reasonable accommodation, to successfully perform the essential functions of the job.

- Requires daily use of a personal computer and related software applications at a workstation.
- Requires ability to complete tasks that typically may require making repetitive hand movements in the performance of daily duties, with or without reasonable accommodations and modifications to facilitate such tasks.

- Requires prolonged sitting and/or standing at a workstation for 6.5 to 7 hours per day.
- Requires dependability and excellent attendance records.
- May require occasional driving to conduct on-site state business.

Supervision Received:

The Senior FEH Counsel (Specialist) receives supervision from the Deputy Director of the Dispute Resolution Division, and may receive direction from others in DRD management or CRD management.

Supervision Exercised:

None.

Administrative Responsibility:

Adheres to all applicable laws, regulations, policies and procedures, including but not limited to the CDRC Standards of Practice for California Mediators, Rules of Professional Conduct, Political Reform Act, Statement of Incompatible Activities, Administrative Manual, and directives from departmental management personnel.

Personal Contacts:

The Senior FEH Counsel (Specialist) has contact with Departmental management and staff, complainants, respondents, and legal representatives.

Actions and Consequences:

Failure to use good judgment in handling sensitive and confidential information could result in violation of individual privacy rights, prejudice to CRD cases, and discredit to the Department.

Certification of the Employee:

I have read and understand the duties described above. I meet all job requirements as described above and am capable of performing the essential functions with or without a reasonable accommodation.

Supervisor's Signature

Date

Employee's Signature

Date