

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

POSITION DUTY STATEMENT

☐ PROPOSED

☒ CURRENT

CDCR INSTITUTION OR HEADQUARTERS PROGRAM Office of Legal Affairs		POSITION NUMBER 065-400-5795-105		MCR / HCR 1
DIVISION / UNIT Employment Advocacy and Prosecution Team		CLASSIFICATION TITLE Attorney III		
		WORKING TITLE Vertical Advocate		
		TIME BASE / TENURE FT/Perm	CBID R02	WWG SE
LOCATION		INCUMBENT		EFFECTIVE DATE

CDCR'S MISSION and VISION

Mission

To facilitate the successful reintegration of the individuals in our care back to their communities equipped with the tools to be drug-free, healthy, and employable members of society by providing education, treatment, rehabilitative, and restorative justice programs, all in a safe and humane environment.

Vision

We enhance public safety and promote successful community reintegration through education, treatment, and active participation in rehabilitative and restorative justice programs.

COMMITMENT TO DIVERSITY, EQUITY, AND INCLUSION

The California Department of Corrections and Rehabilitation (CDCR) and California Correctional Health Care Services (CCHCS) are committed to building and fostering a diverse workplace. We believe cultural diversity, backgrounds, experiences, perspectives, and unique identities should be honored, valued, and supported. We believe all staff should be empowered. CDCR/CCHCS are proud to foster inclusion and representation at all levels of both Departments.

DIVISION OVERVIEW

The Office of Legal Affairs (OLA), Employment Advocacy and Prosecution Team (EAPT) assists in investigations into employee misconduct, advises on disciplinary decisions, and pursues disciplinary actions on behalf of CDCR. In addition, EAPT litigates requests to file charges with the State Personnel Board (SPB), appeals to the SPB, or whistleblower complaints before the SPB, and defends or prosecutes petitions for writs of administrative mandamus before the superior and appellate courts. EAPT works with highly sensitive and confidential information and requires employees to maintain strict confidentiality.

GENERAL STATEMENT

Under direction of the Chief Deputy General Counsel (CDGC), Assistant CDGC, or Assistant Chief Counsel (ACC), the EAPT Attorney III (Vertical Advocate) assists in investigations and prosecutes disciplinary actions on behalf of CDCR. The Vertical Advocate represents the best interests of CDCR throughout the disciplinary process. Attorneys in this classification are expected to perform job duties with limited supervision, demonstrate the ability to think critically, and exercise sound judgment in executing job duties. Further, attorneys in this classification are expected to prepare written documents that do not require significant revision and input from supervisory staff.

% of time performing duties	Indicate the duties and responsibilities assigned to the position and the percentage of time spent on each. Group related tasks under the same percentage with the highest percentage first.
35%	Provide representation to CDCR in difficult and complex matters throughout the employee discipline process in compliance with the requirements of Department Operations Manual, Articles 14 and 22; California Code of Regulations, Titles 2 (SPB Regulations) and 15 (CDCR Regulations); California Evidence Code; relevant Government Code sections, SPB precedential decisions; and case law. Duties include, but are not limited to: reviewing assigned case files; correctly calculating and evaluating or re-evaluating the statutes of limitation; advising hiring authorities regarding the sufficiency of the investigation, whether evidence is sufficient to sustain allegations of misconduct against employees, and the imposition of a penalty for sustained allegations; coordinating with the Employee Relations Officer throughout the disciplinary process; preparing Notices of Adverse Action; attending Skelly hearings; and representing CDCR in proceedings before SPB.

30%	Provide legal advice to the Office of Internal Affairs (OIA) during the course of the investigation into employee misconduct in difficult and complex matters, including, without limitation, advising OIA regarding the statute of limitation, providing recommendations regarding the scope of investigations (including documents gathered, witnesses to interview, and questions to be asked of the witness), attending interviews and providing advice to OIA regarding necessary lines of questioning, advising OIA regarding additional investigative work to be completed, and advising OIA regarding the sufficiency of the investigation.
10%	Interface and consult with the Office of the Inspector General (OIG), which monitors the CDCR disciplinary processes. Foster a productive working relationship with OIG staff, and address and resolve conflict with OIG staff with limited assistance from supervisory staff.
10%	Draft Petitions for Rehearing before the SPB or Petitions for Writ of Administrative Mandamus and represent CDCR in any subsequent appeals before the SPB or in the Superior Courts or other appellate courts.
10%	Conduct legal research using various electronic databases; draft legal opinions as directed; analyze statutes, regulations, court decisions, and policy.
5%	Attend mandatory meetings, monthly ACC Case Status Meetings, and mandatory trainings.

SPECIAL REQUIREMENTS

- CDCR does not recognize hostages for bargaining purposes. CDCR has a "NO HOSTAGE" policy and all incarcerated individuals, visitors, nonemployees, and employees shall be made aware of this.

CONSEQUENCE OF ERROR

- Failure to use sound judgment in the execution of the duties of this position may have far-reaching effects that may damage the credibility of the Department, limit the effectiveness of the legal representation by the Office of Legal Affairs and litigation counsel, and create or increase litigation risk.

To be reviewed and signed by the supervisor and employee:

EMPLOYEE'S STATEMENT:

- *I HAVE DISCUSSED THE DUTIES AND RESPONSIBILITIES OF THE POSITION WITH MY SUPERVISOR AND RECEIVED A COPY OF THIS DUTY STATEMENT.*

EMPLOYEE'S NAME (Print)

EMPLOYEE'S SIGNATURE

DATE

SUPERVISOR'S STATEMENT:

- *I CERTIFY THIS DUTY STATEMENT REFLECTS CURRENT AND AN ACCURATE DESCRIPTION OF THE ESSENTIAL FUNCTIONS OF THIS POSITION.*
- *I HAVE DISCUSSED THE DUTIES AND RESPONSIBILITIES OF THE POSITION WITH THE EMPLOYEE AND PROVIDED THE EMPLOYEE A COPY OF THIS DUTY STATEMENT.*

SUPERVISOR'S NAME (Print)

SUPERVISOR'S SIGNATURE

DATE