

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

POSITION DUTY STATEMENT

☐ PROPOSED☒ CURRENT

CDCR INSTITUTION OR HEADQUARTERS PROGRAM Office of Legal Affairs		POSITION NUMBER 065-400-5778-XXX		MCR / HCR 1	
DIVISION / UNIT Operations Group		CLASSIFICATION TITLE Attorney			
		WORKING TITLE Attorney			
		TIME BASE / TENURE FT/Perm	CBID R02	WWG SE	COI Yes ☒ No ☐
LOCATION Headquarters, Sacramento, CA		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.					
CALIFORNIA MODEL					
California Department of Corrections and Rehabilitation (CDCR) and the California Correctional Health Care Services (CCHCS) are proud to partner on the California Model which will transform the correctional landscape for our employees and the incarcerated. The California Model is a systemwide change that leverages national and international best practices to address longstanding challenges related to incarceration and institution working conditions, creating a safe, professional, and satisfying workplace for all staff, as well as rehabilitation for the incarcerated. Additionally, the California Model improves success of the decarcerated through robust re-entry efforts back into to the community.					
COMMITMENT TO DIVERSITY, EQUITY, AND INCLUSION					
The CDCR and the CCHCS are committed to building an inclusive and culturally diverse workplace. We are determined to attract and hire more candidates from diverse communities and empower all employees from a variety of backgrounds, perspectives, and personal experiences. We are proud to foster inclusion and drive collaborative efforts to increase representation at all levels of the Department.					
DIVISION OVERVIEW					
The Office of Legal Affairs (OLA) offers legal advice to CDCR leadership and staff to help ensure CDCR's operations are conducted effectively, and consistent with legal requirements. OLA attorneys anticipate legal issues and offer practical solutions, appropriately resolve legal disputes, and advocate to advancing CDCR's mission. Attorneys working for CDCR have the unique opportunity to encounter multiple areas of law, including, healthcare; public contracting; accounting services; construction management; facilities planning; class action lawsuits; and, provide consultation on policy development, regulatory work, court compliance, risk management, and employee discipline.					
GENERAL STATEMENT					

Under supervision of an Assistant General Counsel, the Attorney provides legal, technical, and administrative advice on a variety of issues that may involve incarcerated persons, supervised persons, employees, public procurement, contracts, public entities, unions, and members of the public. The incumbent provides legal advice on sensitive legal matters relating to protocols and methodologies designed to assist the CDCR in managing its liability exposure.

The Attorney must have the ability to work collaboratively with CDCR internal units and outside agencies, which may include the Department of General Services, the Department of Finance, the Office of the Attorney General (OAG), the State Compensation Insurance Fund, and the Office of the Governor. The incumbent may be required to represent CDCR before various administrative bodies including the State Personnel Board, the Office of Administrative Hearings, the Public Works Board, and the Workers' Compensation Appeals Board, among others. This position requires periodic statewide travel.

% 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.
50%	Act as house counsel providing legal advice and assistance related to facilitating the timely identification and evaluation of potential liability and risk indicators for CDCR. a. Consult with and advise Department administrators on the interpretation and analysis of laws, court decisions, rules and regulations affecting the duties, functions, and responsibilities of the Department, including identifying policies, procedures and practices that subject the Department to litigation or administrative action. b. Prepare for and litigate administrative hearings that may include, but are not limited to the following: Penal Code sections 2602 and 2604, disability discrimination, constructive medical termination or suspension and failures to provide reasonable accommodation, workers' compensation, unemployment issues, mediations, arbitrations, and settlement conferences. c. Review and coordinate responses to petitioner discovery requests including requests for production of documents and other standard discovery methods; assists with the review of documents including court orders and settlement agreements. d. Work closely with stakeholders to identify matters concerning potential liability and risk management. e. Review and monitor various reports and statistics including incoming litigation, assignments and related outcomes to identify trends or patterns leading to potential departmental liability. f. Track and analyze changes in legislation, regulations, and case law; analyzes the significance of these developments and provides recommendations to the OLA management and CDCR executive staff. g. Draft recommendations, opinions and advisory memoranda to OLA management and CDCR executive staff on potential liability and litigation prevention opportunities within CDCR and the need for corrective action plans. h. Respond to inquiries from internal and external stakeholders on risk mitigation efforts by the department. i. Assist with the review of department policies and regulations. j. Attend and participate in meetings and conferences as a legal representative of CDCR. k. Assist with the review of Department training materials.
25%	Provide assistance as requested to OAG and contract counsel in obtaining information and documentation in preparing responses to written discovery served on CDCR or its employees who are parties to the litigation; act as liaison with OAG on matters concerning CDCR (such as confinement, death penalty matters, sentencing,

	incarcerated individuals civil rights, etc.); provide advice and instructions to OAG attorney staff as to CDCR's policy decisions and position; prepare the appropriate documentation for settlement authority.
10%	Attend and participate in meetings, conferences, and training exercises as required; perform other duties as required by management.
10%	Communicate with CDCR management through written or verbal status reports on the progress of litigation and on appropriate opportunities for settlement.
5%	Perform administrative duties including, but not limited to: adhere to Department policies, rules and procedures; submit administrative requests including leave, travel, and training in a timely and appropriate manner; accurately report time and submit timesheets by the due date.

SPECIAL PERSONAL CHARACTERISTICS

- Influence, change, and strengthen the community. Set an example each day through positive and pro-social role modeling, utilizing dynamic security concepts through observation and building rapport.
- Willingness to play a significant role in the collaborative efforts toward rehabilitation and public safety enhancement.
- Ability to facilitate conversations as a coach and mentor, engaging in a respectful and understanding manner.
- Ability to build trust, improve communication, and assist with the transformation of correctional culture.

SPECIAL REQUIREMENTS

- CDCR does not recognize hostages for bargaining purposes. CDCR has a "NO HOSTAGE" policy, and all incarcerated people, 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 OLA 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
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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
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