

DUTY STATEMENT



☒ **CURRENT**

☐ **PROPOSED**

CIVIL SERVICE CLASSIFICATION Attorney IV		WORKING TITLE Attorney IV, Cal/OSHA		
PROGRAM NAME Division of Occupational Safety and Health			UNIT NAME Legal Unit	
ASSIGNED SPECIFIC LOCATION Modesto			POSITION NUMBER 400 – XXX-5780-XXX	
BARGAINING UNIT R02	WORK WEEK GROUP SE	BILINGUAL POSITION No	CONFLICT OF INTEREST FILER Yes	BACKGROUND CHECK No

General Statement

Under the general direction of the Assistant Chief Counsel of the Division of Occupational Safety and Health (DOSH), Attorney IVs represent DOSH in the full range of legal issues within the jurisdiction of the Division. Attorney IVs are the most experienced and qualified attorneys within DOSH. They are expected to serve as Senior Counsel, perform the most complex, novel, difficult and sensitive legal work of the unit, and to have a high level of experience, strong technical lawyering skills, and subject matter expertise in one or more areas of the Division's responsibility; act as a lead over less experienced attorneys; devise curriculum and author original training materials; and serve as a resource for other attorneys and field staff both with respect to lawyering skills and occupational safety and health law. Their experience allows them to effectively work with opposing counsel and other external representatives who also have a high level of experience, expertise and skills. Attorney IVs also perform administrative functions, such as assigning cases, projects and other matters to staff attorneys, as well as other duties as assigned by the Assistant Chief Counsels or Division Chief.

Duties include, but are not limited to: representing DOSH in the most complex, novel and sensitive cases in administrative hearings before the Occupational Safety and Health Appeals Board (the Appeals Board) and civil and writ litigation before California trial and appellate courts; representing and advising the Chief, management, and the Division with regard to policy in sensitive and high profile matters and program direction; providing coordination, analysis and advice concerning Public Records Act requests; analyzing and drafting legislation; drafting regulations; serving as Senior Counsel at stakeholder and other meetings with the public; 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, privacy law, corporate law, bankruptcy law, criminal law, and civil procedure.

Essential functions of this position are to perform competently and with strong technical skills in the specific job duties identified below; to take substantial initiative, exercise broad discretion as Senior Counsel with a minimum of supervision, 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 consistently producing top quality 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 excellent judgment and act with high ethical standards and professionalism.

Candidates must be able to perform the following essential functions with or without reasonable

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accommodations.

Percentage of Time Spent	Duties <u>Essential Job Functions</u>
40%	Independently 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 and status conferences, preparing and responding to motions, petitions for reconsideration, discovery, and other legal correspondence, preparing and examining witnesses; and conducting oral argument.
30%	Serve as Senior Counsel and subject matter expert to provide legal analysis, advice and representation to the Chief and the Division, as assigned, and based on the operational needs of the unit: serve as Senior Counsel over less experienced staff, which involves onboarding, mentoring and training, and reviewing and assisting with brief writing, in complex matters and matters before the appellate courts; serve as lead attorney in the absence of the Assistant Chief Counsel(s) and/or Chief Counsel as assigned; provide legal services in their respective region to the DOSH Bureau of Investigations (BOI) as assigned by the BOI Administrative Chief, including, but not limited to, reviewing BOI referrals to the local district attorney offices and attending BOI staff meetings; assist the Assistant Chief Counsels with the distribution and coordination of case and project assignments; devise and author curriculum and original training and/or educational materials for, and oversee other attorneys in the presentation of, training classes to field personnel and legal staff; devise and execute projects such as audits and the creation of reference materials covering specialized practice areas for use by attorneys and field staff; write or review sections of the DOSH Policy and Procedures Manual; serve as Senior Counsel in collaboration with the Assistant Chief Counsels and Chief Counsel in presentations, or other outreach to the public or stakeholders; 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; conduct or advise in the conduct of regulatory variance hearings; analyze, evaluate, and make recommendations to the Chief concerning proposed legislation affecting the DOSH, including drafting and reviewing bill analyses for the Department of Industrial Relations (DIR); assist in the development and drafting of proposed legislation for the advancement of the Cal/OSHA program; and/or coordinate 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.
15%	Represent DOSH in writs of mandate and other litigation filed by and against DOSH before the trial and appellate courts, appeals of denials of a permit or suspension or revocation of a license or certification, and the issuance of inspection warrants.
10%	Provide legal advice to Division Administration and compliance personnel concerning enforcement and other policy issues. Appear before the Occupational and Health Standards Board when necessary.
Percentage of Time Spent	Marginal Job Functions
5%	Performs other related duties as required to fulfill the Division and Legal Unit objectives.

Conduct, Attendance, and Performance Expectations

Attorney IVs are senior level attorneys who independently manage a high volume of complex legal work. The Attorney IV is required to take substantial initiative, exercise broad discretion, behave in an honest, fair and

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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 on complex matters, including top quality briefs and other written work product as required, with a minimum of supervision, while accepting and following direction of the Chief Counsel and Assistant Chief Counsels, and client and Division leadership. The Attorney IV is expected to be professional, courteous, and work cooperatively with all levels of DOSH management, staff, and the public. The Attorney IV 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 IV travels throughout the state as assigned with overnight stays of varying length and frequency.

Supervision Received

Under the general direction of the Assistant Chief Counsel. The attorney IV may also receive indirect supervision and assignments from the Chief Counsel and other Assistant Chief Counsels of the DOSH Legal Unit.

Supervision Exercised

None.

Work Environment, Special Requirements/Other Information, Physical Abilities, Additional Requirements/Expectations, and Personal Contacts

Work Environment

Employees in this position have their own offices, work at desks, and are required to work extensively on computers as necessary to accomplish their duties. Attorneys are required to conduct in-person hearings throughout the state and appear in court throughout the state. Attorneys may also conduct video hearings and telephonic conferences as required by a Judge or administrative body.

Special Requirements/Other Information

Must be a member of the California Bar and qualified to practice law in California. The incumbent must demonstrate the ability to establish and maintain cooperative working relationships with staff at all levels both within and outside of DOSH to complete work assignments. The incumbent must demonstrate the ability to use the internet, email, desktop applications and presentation software to complete assignments. This position also requires in-state travel, either locally, or for one to three-day overnight trips within California, based on assignments, and as determined according to the needs of DOSH.

Physical Abilities

The ability to use a computer, telephone, and other office equipment such as copiers and scanners as necessary. Some lifting, bending, and stooping may be required.

Additional Requirements/Expectations

The incumbent must handle sensitive and confidential materials and matters in a professional manner and establish cooperative working relationships with others.

Personal Contacts

Attorneys in this position have contact with other attorneys and staff in DOSH Legal, employees and supervisors and managers in other divisions of DOSH, staff and management in the DIR Director's Office, other agencies within DIR and at the Labor and Workforce Development Agency, opposing counsel in their cases, unrepresented parties in their cases, judges and staff at administrative agencies, judges and staff in civil courts, court reporters, and members of the public.

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Employee Acknowledgment

I have read and understand the duties listed above and certify that I possess essential personal qualifications including integrity, initiative, dependability, good judgment, and ability to work cooperatively with others; and a state of health consistent with the ability to perform these assigned duties as described above with or without reasonable accommodation. If you believe a reasonable accommodation is necessary, discuss your concerns with the hiring supervisor. If unsure of a need for a reasonable accommodation, inform the hiring supervisor who will discuss your concerns with the Medical Management Unit in the Human Resources Office.

Employee Name

Employee Signature

Employee Sign Date

Supervisor Acknowledgment

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

Supervisor Name

Supervisor Signature

Supervisor Sign Date

HUMAN RESOURCES OFFICE APPROVAL

RL
C&S Analyst Initials

7/2/2025
Approval Date