

DUTY STATEMENT



☒ **CURRENT**

☐ **PROPOSED**

CIVIL SERVICE CLASSIFICATION Attorney IV		WORKING TITLE Attorney IV, Cal/OSHA – BOI and Regulations		
PROGRAM NAME Division of Occupational Safety and Health			UNIT NAME Legal Unit	
ASSIGNED SPECIFIC LOCATION Santa Ana			POSITION NUMBER 400-427-5780-020	
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 Attorney Supervisor of the Division of Occupational Safety and Health (DOSH), the incumbent represents DOSH in the full range of legal issues within the jurisdiction of the Division. The incumbent serves as senior counsel, performs the most complex, novel, difficult and sensitive legal work of the unit, and serves as a subject matter expert in one or more areas of the Division's responsibility; acts as a lead over less experienced attorneys; devises curriculum and authors original training classes; and serves as a resource for other attorneys and field staff regarding occupational safety and health law. Works effectively with opposing counsel and other external representatives who also have a high level of experience, expertise and skills. Represents DOSH 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; represents and advises the Chief, management, and staff regarding policy in sensitive and high profile matters and program direction; analyzes and drafts legislation; serves as senior counsel at public meetings; and provides legal services on a wide variety of other issues impacting 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. Serves as an expert for the Bureau of Investigations in the legal aspects of criminal referrals and advises on the preparation of the most high-profile cases. Drafts regulations, prepares regulatory packages and advises the Chief and Deputy Chiefs on the same.

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

Percentage of Time Spent	Duties <u>Essential Job Functions</u>
30%	<p>Legal Representation</p> <p>Independently represents 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.</p> <p>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</p>

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	<p>revocation of a license or certification, and the issuance of inspection warrants. Defends depositions of division staff and deposes defense witnesses. Appear before the Occupational and Health Standards Board and in California Courts in the most complex cases as first chair, alongside less experienced attorneys.</p>
25%	<p>Training and Policy Analysis</p> <p>Serve as Senior Counsel and subject matter expert to provide legal analysis, advice and representation to the Chief and the Division. Devise and author curriculum and original training and/or educational materials 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; 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.</p>
20%	<p>Bureau of Investigations</p> <p>Advise special investigators, supervising special investigators and the chief investigator within the Bureau of Investigations on the legal aspects of potential criminal referrals to local district attorneys for prosecution. Liaise with deputy district attorneys on referred cases and potential referrals. Review and approve referral reports drafted by investigators, in particular the most complex referrals involving multiple employers, multiple fatalities or concurrent investigations by other agencies. Advise the Attorney Supervisor and Chief Counsel on the legal aspects of potentially referable cases, ensuring appropriate evidence collection.</p>
20%	<p>Regulations</p> <p>Drafts the most complex occupational health and safety related regulations and assists DOSH units with legal review of technical regulations including but not limited to the following: elevator, pressure vessel, process safety management, amusement ride and cranes. Prepares rulemaking packages to accompany regulatory text for submission to the Office of Administrative Law. Drafts public facing material about new, technical regulations and reviews such material for legal sufficiency when prepared by others. Serves as lead counsel on high-profile regulatory packages and advises the Attorney Supervisor, Assistant Chief and Chief Counsels and Deputy Chiefs on the same.</p>
Percentage of Time Spent	Marginal Job Functions
5%	<p>Performs other related duties as required to fulfill the Division and Legal Unit objectives. Serves as acting Attorney Supervisor in their absence.</p>



Conduct, Attendance, and Performance Expectations

The incumbent is a senior-level attorneys who independently manages a high volume of complex legal work. The incumbent takes substantial initiative, exercises broad discretion, behaves in an honest, fair and ethical manner, displays superior work habits (e.g., organizational skills, accountability, timely completion of assignments), and produces 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 incumbent is also expected to be professional, courteous, and work cooperatively with all levels of DOSH management, staff, and the public. In addition, the incumbent must maintain consistent and regular attendance, and will normally average in excess of 40 hours per week, depending on workload, special assignments, or projects, and are expected to work all hours necessary to accomplish their assignments and fulfill their responsibilities. The incumbent travels throughout the state as assigned with overnight stays of varying length and frequency.

Supervision Received

The incumbent works under the general direction of the Attorney Supervisor and may also receive indirect supervision and assignments from the Assistant Chief Counsel, Chief Counsel and the unit's other Assistant Chief Counsel of the DOSH Legal Unit.

Supervision Exercised

None. However, the incumbent may periodically act as a lead over lower-level attorneys and serve in an acting capacity in the absence of the Assistant Chief Counsel.

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

Work Environment

Incumbents are assigned a private office offices, work at desks, and are required to work extensively on computers as necessary to accomplish their duties. The incumbent is required to conduct in-person hearings throughout the state and appear in court throughout the state. The incumbent may also conduct video hearings and telephonic conferences as required by a judge or administrative body.

Special Requirements/Other Information

The incumbent 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.

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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

The incumbent has contact with other attorneys and staff in the DOSH Legal Unit, employees and supervisors and managers in other divisions of DOSH, staff and management in DIR, 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.

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

C&S Analyst Initials

Approval Date