

DUTY STATEMENT



☒ **CURRENT**

☐ **PROPOSED**

CIVIL SERVICE CLASSIFICATION Attorney III		WORKING TITLE Attorney III		
PROGRAM NAME Workers' Compensation Appeals Board			UNIT NAME Reconsideration	
ASSIGNED SPECIFIC LOCATION TBD			POSITION NUMBER 400 – 330-5795-002	
BARGAINING UNIT R-02	WORK WEEK GROUP SE	BILINGUAL POSITION No	CONFLICT OF INTEREST FILER Yes	BACKGROUND CHECK No

General Statement

Under the general direction of a Deputy Commissioner, the Attorney III researches and writes legal decisions on behalf of the Workers' Compensation Appeals Board Reconsideration Unit (WCAB), a quasi-judicial body that adjudicates written appeals from trial-level decisions issued by workers' compensation administrative law judges.

Attorney IIIs are expected to work independently, taking and following direction from a Deputy Commissioner or more experienced attorney when performing the more complex and higher level work. As a mid-level attorneys, Attorney IIIs are expected to produce well-written legal decisions; to communicate in a professional, respectful and productive manner with colleagues and the Commissioners; and to demonstrate good judgment and act with high ethical standards. Essential functions of this position are to perform competently and with good technical skills as a mid-level attorney in the specific job duties identified below; to communicate effectively both orally and in writing, including by consistently producing well-written legal decisions and other written work product.

Duties include, but are not limited to the following:

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>
40%	Conducts legal research, analysis and writing on behalf of the Reconsideration Unit as assigned and based on the Unit's operational needs: 1) writes legal decisions according to the outcome requested by panels of Commissioners in response to appeals from trial level decisions issued by workers' compensation administrative law judges; 2) performs in-depth research in workers' compensation law and outside of workers' compensation law, including, but not limited to, the Civil Code, Code of Civil Procedure, Evidence Code, Business and Professions Code, Government Code, federal statutes and cases, and related precedential decisions; and 3) reviews record of proceedings for each appeal, identifies the relevant issues and facts, determines the appropriate procedural approach, and engages in substantive legal analysis to prepare well written and legally correct decision, which is accessible to the general community and withstands appellate review. Attorney IIIs are expected to have subject matter expertise in one of the following areas: workers' compensation law, employment law, civil procedure and litigation, appellate law and

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	procedure, or administrative law and regulations, and familiarity with the mechanics of impartial judicial decision making and advice, unbiased judicial review, and preparation of objective written judicial opinions.
30%	Serves as a legal resource, taking direction from a Deputy Commissioner or a more experienced attorney, to provide objective advice and recommendations to the Commissioners, on a formal and informal basis, orally and in the form of research memorandums on concepts of workers' compensation law, statutes and rules, and legal precedent, including objective and detailed written analysis based on existing case law with respect to legal issues. Uses the research results to provide recommendations to Commissioners and other legal staff as a whole and to support the issuance of high quality decisions by the Appeals Board.
25%	<p>Provide legal analysis, advice and representation to the Deputy Commissioners and the Commissioners as a member of a practice area team in one or more of the following subject areas, as assigned, and based on the operational needs of the unit:</p> <p>(1) Reviews incoming petitions for appellate review (writ), including outlining the issues presented, identifying possible errors in the Appeals Board's decision, determining whether the matters raised require a response, conducting legal research, and reviewing continuing pleadings by other parties and orders by the appellate court; and preparing formal and informal responses to petitions for appellate review. Participates in oral argument or civil proceedings against the WCAB.</p> <p>(2) Performs rulemaking duties, proposing, including drafting and editing rules and WCAB forms; conducting legal research and analysis affecting proposed rules; facilitating and attending public hearings; reviewing and responding to public comments and further drafting and editing of rules in response to public comment; and assisting in preparing and submitting the final rules package.</p> <p>(3) Performs public information duties, including monitoring and reviewing public records requests; conducting legal research to determine appropriate responses to requests in light of statutory and decisional law regarding attorney-client, judicial, and deliberative privileges and requirements for maintaining confidentiality and privacy; maintaining the "public face" of the WCAB, including updates to the DIR website in collaboration with other DIR departments; ensuring timely and correct posting of current WCAB decisions; and coordinating procedures to respond to public inquiries regarding confidentiality of decisions.</p> <p>4. Reviews records regarding conduct of non-attorney representatives for potential disciplinary proceedings; researching applicable law regarding professional conduct and procedures for proceedings and preparing pleadings; analyzing responses by non-attorney representatives; and participating in disciplinary proceedings.</p>

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Percentage of Time Spent	Marginal Job Functions
5%	Performs other job-related assignments and duties as required based on operational needs of the organization.

Conduct, Attendance, and Performance Expectations

This position requires independence, organization, attention to detail, ability to meet statutory deadlines, and productivity. The incumbent must be able to communicate effectively orally and in writing in a professional and respectful manner with Commissioners, Deputy Commissioners, colleagues and clerical staff; develop and maintain knowledge and skills related to specific tasks, methodologies, materials, tools, and equipment; and complete assignments in a timely and efficient manner, while accepting and following direction from the Deputy Commissioners and providing neutral and objective guidance to the Commissioners and pursuant to the code of judicial ethics.

Must be available on a daily basis to meet as needed with the Commissioners and Deputies in order to discuss and clarify issues in particular cases, review proposed drafts and decisions, and make modifications as requested or directed. This process must be conducted and concluded within the framework of statutory deadlines.

All attorneys within the Reconsideration Unit are expected to conduct themselves ethically, demonstrate good judgment, and treat others with respect and courtesy. Must maintain regular and acceptable attendance pursuant to the applicable Bargaining Unit 2 MOU, which applies to all attorneys in the Reconsideration Unit, and as the Unit determines is necessary or desirable to meet its business needs.

Supervision Received

Under the general direction of the Deputy Commissioner.

Supervision Exercised

None.

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

Work Environment

This is a full-time position at the Workers' Compensation Appeals Board Reconsideration Unit, location TBD.

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Employees in this position work at desks, and are required to work extensively on computers as necessary for the drafting of legal opinions and other documents, and for research, email communication, file review, training and other purposes. Attorneys are expected to perform their own word processing, and secretarial support is generally limited to the finalization and filing process. The position requires little to no contact with the general public, and teleworking per DIR policy is available.

Special Requirements/Other Information

Must have active membership in the State Bar of California. The minimum requirements are defined in the Class Specification for Attorney III.

Physical Abilities

Incumbent must be able to work quietly and independently for long periods of time, with little personal contact. The ability to use a personal computer is essential. Due to DIR policy, the incumbent is provided with one computer and must be able to transport a personal computer back and forth from home to the office, including safeguarding the computer on public transportation.

Additional Requirements/Expectations

As set forth in the applicable Memorandum of Understanding for Bargaining Unit 2. Bargaining Unit 2 MOU, which applies to all employees/classifications assigned to Work Week Groups E and SE, "employees are expected to work all hours necessary to accomplish their assignments and fulfill their responsibilities. Employees will normally average forty (40) hours of work per week including paid leave; however, work weeks of a longer duration may occasionally be necessary."

Personal Contacts

The position requires little to no contact with the general public and regular contact with colleagues, clerical staff, Deputy Commissioners, and Commissioners.

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.

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Supervisor Name

Supervisor Signature

Supervisor Sign Date

HUMAN RESOURCES OFFICE APPROVAL

C&S Analyst Initials

Approval Date