

DUTY STATEMENT☐ **CURRENT**☒ **PROPOSED**

RPA Number: 25-OLC-298	Classification Title: Career Executive Assignment (CEA)	Position Number: 810-413-7500-001
Incumbent Name:	Working Title: Deputy Chief Counsel	Effective Date:
Tenure: Permanent	Time Base: Full-Time	Intermittent Hours Per Month:
Division/Office: Office of Legal Counsel	Section/Unit: Office of Legal Counsel	Reporting Location: Chatsworth or Headquarters
Supervisor's Name: David Sadwick	Supervisor's Classification: Chief Counsel	CBID: M01
Confidential Designation: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Designated Position for Conflict of Interest: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Position Telework Eligible: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Supervision Exercised: <input type="checkbox"/> None <input type="checkbox"/> Lead <input checked="" type="checkbox"/> Managerial <input type="checkbox"/> Supervisory		

Human Resources Use Only:**HR Analyst Approval**

HR Analyst Name	HR Analyst Signature	Date

General Statement

This position requires the incumbent to maintain consistent and regular attendance; communicate effectively (orally and in writing if both appropriate) in dealing with the public, governmental agencies, and/or other employees; develop and maintain knowledge and skill related to specific tasks, methodologies, materials, tools and equipment; complete assignments in a timely and efficient manner; and adhere to department policies and procedures regarding attendance, leave, and conduct.

Equity Statement

The Department of Toxic Substances Control (DTSC) values diversity, equity, and inclusion throughout the organization. We foster an environment where employees from a variety of backgrounds, cultures, and personal experiences are welcomed and can thrive. We believe the diversity of our employees is essential to inspiring innovative solutions. Together we further our mission to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.

Position Description

Under the administrative direction of the Chief Counsel (Exempt), the Deputy Chief Counsel plans, organizes, directs and oversees the operations of the Office of Legal Counsel (OLC) by providing management and supervisory support to the Chief Counsel and directly supervises and manages, in coordination with the Chief Counsel, the workload of Assistant Chief Counsels (ACCs) within OLC in order to increase the effectiveness, speed and efficiency of OLC's legal support to DTSC's core programs and management. Specific duties include, but are not limited to the following:

Essential Functions (Including percentage of time):

30%	<p><u>Manages and Oversees the Legal Functions of the Office</u></p> <p>Serves as a chief legal consultant and advisor to the Director, the Chief Counsel, executive staff, and the ACCs to identify issues, formulate policies, and develop strategies to best meet program objectives. Oversees litigation in which the Office of the Attorney General is providing representation. Provides recommendations and solutions for the department to coordinate efficient implementation. Provides oversight and guidance regarding the work performed by ACCs and attorneys within OLC as well as program personnel, including program executives, the Director, the Agency, the Attorney General (AG), and the Governor's office. Directs the work of the ACC's and their staff in drafting documents to facilitate analysis, development, and implementation of critical DTSC initiatives and programs. Plans, organizes, and directs legal staff who are responsible for analysis, interpretation, representation, enforcement, and strategy development in support of compliance with environmental laws, including hazardous waste, California Environmental Quality Act (CEQA), Cleanup, and Safer Consumer Products laws. Assists the Chief Counsel in assigning, organizing, and supervising legal staff in performance of functions, assignment of priorities, hearing notices, regulations, staff reports and correspondence. Provides advice and legal services to secure assistance from the AG and coordinates with the AG to ensure required, specialized litigation input and expertise is obtained. Ensures the AG's efforts are consistent with, and further, the mission and direction of the Director.</p>
30%	<p><u>Provides Advice and Policy Direction</u></p> <p>Reviews the most significant legal memoranda, opinions and correspondence for form and content to submit to the Chief Counsel for approval. Provides strategic and policy recommendations to the Chief Counsel and the Director in to enforce hazardous waste control laws. Provides daily guidance and advice to OLC staff regarding enforcement and implementation of the hazardous waste regulatory requirements, including the Violations Scoring Procedure (VSP), to take legal action to advance and defend litigation filed for and against permitting, enforcement, and cleanup decisions. Provides consultative services regarding proposed legislation, regulations, negotiations and other legal issues impacting the units in OLC.</p>
25%	<p><u>Personnel Management</u></p> <p>Plans, organizes, directs, and provides managerial review of the work performed in OLC; provides regular and timely written performance appraisals to staff; counsels staff and initiates disciplinary actions as necessary; recruits, hires, trains, develops, and provides leadership to staff; ensures equal employment opportunity in hiring, employee development and promotions; identifies appropriate long-range plans and goals to address succession planning and knowledge transfer.</p>
10%	<p><u>Administrative Duties</u></p> <p>Oversees the administrative functions of OLC. Elevates to the attention of the Chief Counsel when appropriate. Performs administrative duties including, but not limited to ensuring adherence to DTSC policies, rules, and procedures; submitting administrative requests including leave, overtime, travel, and training in a timely and appropriate manner; and accurately reporting time in the Daily Log system and submitting timesheets by the due date.</p>

Marginal Functions (Including percentage of time):

5%	<p><u>Other Related Tasks</u></p> <p>Performs other related duties as required to support the functions of OLC. Completes projects as assigned by the Chief Counsel.</p>
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Administrative Responsibilities for Supervisors and Managers:

The incumbent assists the Chief Counsel in performing the full range of supervisory and management duties, including, but not limited to: Interpreting and adhering to state and federal laws, rules, regulations, bargaining unit contracts and policies in all personnel practices; providing direction and guidance regarding work assignments and daily work activities to ensure timely completion of assignments; reviewing work and evaluating performance of staff by providing regular feedback and completing timely probationary reports, annual performance appraisals, and individual development plans; monitoring

employee performance and, if necessary, utilizing progressive discipline principles and procedures; completing personnel documentation and utilizing competitive hiring processes; and approving or denying administrative requests including leave, overtime, travel, and training.

Personal Contacts:

In partnership with the Chief Counsel, the incumbent has: (a) regular contact with DTSC staff, the Governor's office, and the Agency regarding confidential and sensitive legal matters; and (b) has sensitive and confidential contact with representatives of other governmental agencies (federal, state and local) regarding legal proceedings, as well as occasional contact with regulated businesses, their representatives, and the general public regarding unrestricted matters.

Actions and Consequences:

Failure to provide accurate and appropriate legal guidance may lead to the implementation of improper or inefficient legal strategies and departmental policies in which the consequence of error is severe and significant and may reflect poorly on DTSC. Failure to provide clear expectations, priorities, and open communication regarding staff assignments will lead to unmet deliverables, wasted resources, and low staff morale. Failure to ensure consistent management of legal functions regarding DTSC's enforcement, permitting, cleanup, VSP, and other actions may lessen the effectiveness of DTSC's efforts and also lead to DTSC liability and unnecessary cost.

Typical Working Conditions:

The incumbent must have the ability to work in a multi-story office building with artificial light and temperature control; work under stressful conditions; and use office equipment including, but not limited to a personal computer, telephone, and photocopy machine. Standing, bending, walking, and stooping are required. The incumbent may sit for prolonged periods while reading, working on a computer, or participating in meetings or discussions. Occasional overnight travel is required.

Special Requirements of Position (Check all that apply):

- ☐ Duties performed may require pre-employment and/ or routine screenings (background/criminal/fingerprint clearance, drug testing, fingerprinting, physical, etc.).
- ☐ Duties require participation in the DMV Pull Notice Program.
- ☐ Performs other duties requiring high physical demand. (Explain below)
- ☐ Requires repetitive movement of heavy objects and/or operation of heavy machinery or motorized vehicles.
- ☒ Other (Explain below)

Explanation:

In partnership with the Chief Counsel, the incumbent operates in a highly visible capacity and must be prepared to explain and defend the short-term and long-term strategic goals and objectives, policies and practices of DTSC and OLC. In addition, the Deputy Chief Counsel should possess the ability to establish and maintain cooperative relationships with state, federal, and local agencies; gain the confidence and support of top-level administrators and handle difficult interactions with others with tact and diplomacy on a wide range of complex legal issues. The incumbent must have the ability to use various computer software programs including, but not limited to, Microsoft Office Suite (Word, Excel, PowerPoint, Outlook, Project and Access), Adobe products (PDF) and Daily Log. The incumbent must possess exceptional oral and written communication skills, particularly in public situations, and the ability to adapt to rapidly changing priorities and issues. The incumbent must have knowledge of methods and techniques of effective leadership, strategic planning development and performance management and change management. In partnership with the Chief Counsel, the incumbent must maintain knowledge of California's legislative, budget and general administrative processes.

Supervisor Statement

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

Supervisor Name	Supervisor Signature	Date

Employee Statement

I have discussed these duties with my supervisor and have been provided a copy of this duty statement. I certify I have read, understand, and can perform the duties of this position either with or without reasonable accommodation*.

**A Reasonable accommodation is any modification or adjustment made to a job, work environment, or employment practice or process that enables an individual with a disability or medical condition to perform the essential functions of his or her job or to enjoy an equal employment opportunity. (If you believe reasonable accommodation is necessary, check yes. If unsure of a need for reasonable accommodation, inform the hiring supervisor, who will discuss your concerns with the Reasonable Accommodation Coordinator.)*

Do you need a reasonable accommodation to perform the essential functions of this position?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Employee Name	Employee Signature	Date