

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

RPA Number: 25-OLC-187	Classification Title: Attorney	Position Number: 810-414-5778-001
Incumbent Name:	Working Title: Attorney	Effective Date:
Tenure: Permanent	Time Base: Full-Time	Intermittent Hours Per Month:
Division/Office: DTSC	Section/Unit: Office of Legal Counsel	Reporting Location:
Supervisor's Name: Anna Kathryn Benedict	Supervisor's Classification: Assistant Chief Counsel	CBID: R02
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 checked="" type="checkbox"/> None <input type="checkbox"/> Lead <input 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 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

The Office of Legal Counsel (OLC) provides legal support to the Department of Toxic Substances Control (Department). Under the direction of an Assistant Chief Counsel, the Attorney is responsible for performing professional legal work to all Department programs, regarding various legal issues involving or affecting the Department. The Attorney reports directly and receives the majority of assignments from the Assistant Chief Counsel. However, direction and assignments may also come

from the Chief Counsel. The Attorney frequently interacts with the Director and Deputy Directors, the Secretary for CalEPA and his/her senior staff, and the Department's staff, including OLC staff, Brownfields and Environmental Restoration Program staff and Hazardous Waste Management Program staff. The Attorney will often handle attorney-client privileged information or other confidential or highly sensitive information and work closely with the Attorney General's Office. Inadequate performance by the Attorney may delay work performed by others in the Department or compromise legal positions of the Department.

Essential Functions (Including percentage of time):

45%	<p>Permitting</p> <p>Reviews permitting documents, including draft permits, response to public comments, public participation documents, final permit decision documents for compliance and consistency with state and federal laws, including California Hazardous Waste Control Law, federal Resource Conservation and Recovery Act, California Environmental Quality Act, and their implementing regulations. Represents the Permitting Division or the Department management in administrative proceedings, including denials and suspensions of permits and hauler's registrations and related appeals. Provides legal support to the Department in administrative proceedings and civil litigation matters related to challenges to the Violations Scoring Procedure (VSP) scores and compliance tiers. Represents the Department in negotiating and finalizing permitting-related agreements and environmental justice matters.</p>
20%	<p>Complex Litigation</p> <p>Coordinates litigation relating to permitting issues, including challenges related to VSP, CEQA, and hazardous waste. Works with the Attorney General on litigation matters and assists the Attorney General with substantive law and Departmental policies and procedures. Reviews complaints, motions, and other pleadings. Assists in discovery and trial, including witness and expert preparation.</p>
15%	<p>Enforcement</p> <p>Provides legal support on matters related to administrative, civil, and criminal enforcement actions. Reviews inspection reports, penalty assessments, and other case documents. Reviews enforcement documents for compliance and consistency with state and federal laws and regulations. Represents the Department in administrative proceedings. Conducts or participates in settlement negotiations and drafts settlement documents. Assists the Attorney General's Office on litigation matters.</p>
10%	<p>Site Mitigation</p> <p>Provides legal support on matters related to the Brownfields and Environmental Restoration Program, including cost recovery. Researches legal issues and provides written and oral advice to the Director, Deputy Directors, and Department staff on the interpretation and implementation of statutes and regulations. Reviews documents for compliance and consistency with state and federal laws and regulations. Conducts or participates in settlement negotiations and drafts settlement documents. Assists the Attorney General's Office on litigation matters.</p>
5%	<p>Administrative Tasks</p> <p>Performs administrative duties including, but not limited to: adheres to Department policies, rules, and procedures, submits administrative requests including leave, overtime, travel, and training in a timely and appropriate manner; accurately reports time in the Daily Log system and submits time sheets by the due date.</p>
5%	<p>Other Duties</p> <p>Performs other related duties as required to support the functions of OLC.</p>

Typical Physical Conditions/Demands:

The Attorney works in a high rise building, sitting under fluorescent lighting with sufficient temperature control, in close proximity with other employees. Standing, bending, walking, and stooping are required. The Attorney will utilize typical office equipment, such as telecommunications equipment, computers, photocopiers/scanners, and fax machines. The Attorney is expected to be prepared and professional in appearance and be flexible in terms of work hours and work overtime occasionally. Travel to attend project-related meetings, public meetings, public hearings and site visits is required.

Typical Working Conditions:

The Attorney must have knowledge of: legal principles and their application; legal research methods; court procedures; rules of evidence and procedure; administrative law and the conduct of proceedings before administrative bodies; legal terms and forms in common use; statutory and case law literature and authorities; and provisions of laws and Government Code sections administered or enforced by the Department. The Attorney must have the ability to: analyze complex and difficult legal principles and precedents, applying them to difficult and complex legal and administrative problems; perform exceptionally difficult and complex legal research; prepare and present statements of fact, law, and argument clearly and logically in written and oral form; draft complex and difficult opinions, pleadings, rulings, regulations, and legislation; negotiate effectively and conduct crucial litigation; work cooperatively with a variety of individuals and organizations; communicate effectively and maintain the confidence and respect of others; and work effectively under pressure.

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:**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? ☐ YES ☐ NO

Employee Name	Employee Signature	Date