

State of California - Department of Social Services

DUTY STATEMENT

EMPLOYEE NAME:

VACANT

CLASSIFICATION:

Attorney IV

POSITION NUMBER:

800-310-5795-955DIVISION/BRANCH/REGION: *(UNDERLINE ALL THAT APPLY)***Legal Division**BUREAU/SECTION/UNIT: *(UNDERLINE ALL THAT APPLY)***Childrens and Community Care Licensing Policy Litigation**

SUPERVISOR'S NAME:

Kori Tomlin

SUPERVISOR'S CLASS:

Assistant Chief Counsel**SPECIAL REQUIREMENTS OF POSITION** *(CHECK ALL THAT APPLY):*

- ☒ Designated under Conflict of Interest Code.
- ☐ Duties require participation in the DMV Pull Notice Program.
- ☐ Requires repetitive movement of heavy objects.
- ☐ Performs other duties requiring high physical demand. *(Explain below)*
- ☐ None
- ☒ Other *(Explain below)*

Employees assigned to work in the Legal Division are required to obtain a criminal record background clearance by the Department of Justice and the Federal Bureau of Investigation.

I certify that this duty statement represents an accurate description of the essential functions of this position.

I have read this duty statement and agree that it represents the duties I am assigned.

SUPERVISOR'S SIGNATURE

DATE

EMPLOYEE'S SIGNATURE

DATE

SUPERVISION EXERCISED *(Check one):*

- ☐ None ☐ Supervisor ☒ Lead Person ☐ Team Leader

FOR SUPERVISORY POSITIONS ONLY: Indicate the number of positions by classification that this position DIRECTLY supervises.

Total number of positions for which this position is responsible:

FOR LEADPERSONS OR TEAM LEADERS ONLY: Indicate the number of positions by classification that this position LEADS.

The Attorney IV serves in a lead capacity and oversees the efforts of other attorneys in the unit. The Attorney IV also may direct the work of one or more legal analysts and/or clerical staff in litigation.

MISSION OF ORGANIZATIONAL UNIT:

The Legal Division's Program Litigation Branch is dedicated to providing legal advice and services to the divisions of the Department responsible for administering or overseeing numerous social service programs and related functions. The CCL Policy Attorney IV in this Branch provides complex legal advice and services to the Community Care Licensing Division (CCLD). The Attorney IV advises program staff on all aspects of the CCLD's statewide programs which includes licensure and oversight of child day care facilities, residential care facilities for children and adults, Resource Families/foster homes, adult day programs, and home care services.

CONCEPT OF POSITION:

The Attorney IV performs the most complicated, politically sensitive, and fiscally significant legal work producing consistent and favorable results with minimal supervision. The Attorney IV has extensive knowledge, or the ability to acquire such knowledge, of the state and federal statutes, regulations, case law, and procedures governing requirements for the various CCLD programs. In addition to the duties outlined below, the Attorney IV must have broad litigation or litigation support experience to effectively represent the Department in state and federal litigation. The CCL Policy Attorney IV provides legal support for those issues having the greatest fiscal and programmatic impact on the State relating to federal law and licensing programs.

A. RESPONSIBILITIES OF POSITION:

The Attorney IV must have high-level expertise as well as specialized knowledge of licensing laws including, but not limited to, laws regarding child day care, residential care for children and adults, Resource Families/foster homes, adult day programs, and home care services, including state and federal background check requirements related to licensing programs. The Attorney IV must also have, or have the ability to acquire, extensive knowledge regarding applicable federal laws such as the Family First Prevention Services Act and the Child Care and Development Block Grant Act. The Attorney IV is expected to conduct research and analysis on the most complex licensing issues; to provide oral and written legal opinions and policy interpretations; and to provide expert advice and counsel to CDSS executive staff, legislative staff, the Office of the Attorney General, the Health and Human Services Agency, and the Governor's Office. The Attorney IV must be able to analyze and draft legislation to implement program changes involving a myriad of state and federal rules for programs involving large amounts of the state budget. The Attorney IV must also know the regulatory process to effectively assist program staff in developing and justifying regulations. Experience in working with advocacy groups, legislative staff, and stakeholder work groups is essential. The Attorney IV must be able to function under pressure in politically sensitive situations, meet strict deadlines, and work with the highest degree of autonomy.

30% - Represents the Department in the most difficult, complex, and politically sensitive cases involving Community Care Licensing Programs. Coordinates with the Attorney General's Office over the preparation of pleadings, motions, and briefs, and directly participates in State and Federal litigation. Researches and advises the Director, Chief Deputy Directors, Deputy Directors, and CDSS management on litigation, negotiation strategies and options, and representing the Department in settlement negotiations with opposing counsel. Advises program staff as they coordinate with stakeholders on operational and implementation issues attendant to State and Federal legislation and litigation.

30% - Provides highly specialized and expert legal advice and counsel to the Department Director, Chief Deputy Directors, Program Deputy Directors and their top program management staff, and other state and non-state entities. These entities include Legislators and their staff, Governor's Office and Agency staff, Deputy Attorneys General, County Counsels, and District Attorneys. Responds to the most difficult legal correspondence; drafts GARs and SARs regarding highly complex and/or sensitive issues.

10% - Represents the Department in disputes with the Federal government concerning State compliance with Federal requirements. Researches and advises the Director and executive staff on litigation, administration, and negotiation strategies and options regarding Federal and State audits, including representing the Department in settlement negotiations with Federal or State auditors.

10% - Drafts, reviews, and provides legal/tactical advice to the Administration Division (AD) and the CCLD regarding the most expensive and politically sensitive contracts and interagency agreements entered into by third parties and service providers. Drafts, reviews, and provides legal/tactical advice to CCLD, Children and Family Services Division, and other Divisions regarding the most sensitive regulations impacting these Divisions.

10% - Analyzes proposed legislation and its effect on existing licensing programs, laws, policy and regulations. Proposes and/or reviews statutory provisions; reviews proposed regulations; advises the Department's Legislative Office and executive staff and attends legislative and other public hearings on pending legislation and proposed regulations.

10% - Participates in task forces, work groups, and other policy development activities in the most programmatically and politically sensitive and financially significant subject areas.

B. SUPERVISION RECEIVED:

The Attorney IV reports to and works under the direction of an Assistant Chief Counsel and/or Sr. Assistant Chief Counsel, and has independence and broad discretion to perform his/her duties without routine review.

C. ADMINISTRATIVE RESPONSIBILITY:

None, however the Attorney IV may be assigned to act in the absence of the Assistant Chief Counsel and/or Senior Assistant Chief Counsel. The Attorney IV is responsible for receipt and completion of assignments in his/her specialized area.

D. PERSONAL CONTACTS:

The Attorney IV has extensive contacts within and outside the department. As an expert in licensing laws and programs, the Attorney IV consults and advises CDSS managers, including the Director, Chief Deputy Directors, and Deputy Directors on complex legal matters. Other contacts within the administration include the California Health and Human Services Agency, the Department of Finance, and the Governor's Office. The Attorney IV also has extensive contact with the Office of Legislation, Attorney General's Office, and counsel for other departments within the administration.

E. ACTIONS AND CONSEQUENCES:

The Attorney IV deals with the most sensitive and complex issues legal issues related to the Community Care Licensing Division. Failure to provide sound legal advice and exercise good judgment could subject the Department to costly litigation or compliance action, with significant adverse fiscal and policy consequences.

F. OTHER INFORMATION:

The Attorney IV must obtain a criminal record clearance by the Department of Justice and the Federal Bureau of Investigation. Occasional travel, usually to assist a Senior Assistant Chief Counsel and/or Assistant Chief Counsel on matters involving litigation, or to provide advice, training, guidance etc. to Agency, Department or county staff is required.

(Rev. 11.01.24 - KT, SD)