

California Department of Insurance
ESSENTIAL FUNCTION DUTY STATEMENT
HRM-0025 (Revised 7/2016)

Classification Title Attorney III	Branch/Division/Bureau Legal Division/Government Law Bureau
Working Title Attorney III – Workers’ Compensation	Office/Unit/Section/Geographic Location ///Oakland or Sacramento
Position Number (13 Digit)	Conflict of Interest Position ☐ NO ☒ YES
Employee Name	Effective Date

BASIC FUNCTION:

Under the direction of the Assistant Chief Counsel for the Government Law Bureau, the Attorney III exercises broad discretion and independently, or as a lead over other attorneys, performs more sensitive and complex attorney work within the Department. The Attorney III works in concert with an Attorney IV on matters concerning workers’ compensation insurance. Because all employers are required to carry workers’ compensation insurance, the Attorney III carefully monitors matters concerning the health and safety of Californians, such as the availability of workers’ compensation and overall health of the workers’ compensation market. Once or twice per year, the Attorney III assists in reviewing and preparing for workers’ compensation pure premium rate hearings and changes to workers’ compensation rate and statistical plan rules. The Attorney III works closely with other legal and actuarial staff in preparing proposed decisions for the Insurance Commissioner’s consideration. The Attorney III commonly works on matters involving workers’ compensation ratemaking, statistical loss and claims expense data, the review of policy forms and endorsements, issues relating to the California Insurance Guarantee Association and the overall financial health of the workers’ compensation market.

The Attorney III is responsible for the legal defense of the Commissioner and the Department by representing, or arranging for representation in, matters before civil and administrative tribunals.

This position is designated under the Conflict of Interest Code. The position is responsible for making or participating in the making of governmental decisions that may potentially have a material effect on personal financial interests. The appointee is required to complete Form 700 within 30 days of appointment. Failure to comply with the Conflict of Interest Code requirements may void the appointment.

Occasional travel may be required within and/or outside the state of California via private or public transportation (i.e., automobile, airplane, etc.)

ESSENTIAL FUNCTIONS

- 35% Perform a wide variety of legal work related to the oversight and regulation of the highly specialized field of workers' compensation insurance. Study, interpret, and apply laws, court decisions, and other legal authorities in matters which relate to workers' compensation insurance and are within the Department's regulatory authority. Review, analyze, and resolve technical issues concerning workers' compensation insurance rate and pure premium rate filings, classification, and experience rating. Work closely with Department actuarial staff in preparing proposed decisions for the Insurance Commissioner's consideration. Serve as legal representative for the Department on various working groups, committees, or boards involved with workers' compensation insurance as appropriate.
- 20% Review and recommend approval or disapproval of workers' compensation policy forms and endorsements to be used by insurers in California; assure compliance with necessary provisions in both the California Insurance and Labor Codes.
- 20% Coordinate and monitor Department rulemaking and regulations activities pertaining to workers' compensation insurance. Conduct legal research and consult with affected bureaus regarding workers' compensation insurance regulatory matters; prepare proposed regulations; prepares initial statement of reasons; prepare notices of hearing; consult with Office of Administrative Law ("OAL") regarding regulations; arrange for and hold hearings on proposed regulations; review and respond to public comments; revise regulations and statement of reasons; prepare 15 and 45 day notices; prepare final draft of regulations and final statement of reasons; prepare submission to OAL; analyze and respond to OAL comments; prepare appeals of OAL decisions; plan strategy for ongoing work that may be affected by a full or partial rejection of regulations; draft emergency regulations (respond to public comments, respond to OAL inquires and comments, amend regulations as required).
- 10% Review and analyze drafts of proposed legislation, confer with persons, legislative committees, and other groups interested in drafting legislative measures related to workers' compensation issues and assists them in preparing such legislation.
- 5% Perform legal research on workers' compensation insurance regulatory issues assigned by the Assistant Chief Counsel; analyze files and provide legal opinions and advice to the Commissioner, General Counsel, Department bureaus and division chiefs as required by Department personnel.
- 5% Assist the Office of the Attorney General in superior or appellate court actions concerning the Department. Occasionally represent the Department before superior and appellate courts when the Attorney General declines to represent the Department in matters concerning workers' compensation issues.

MARGINAL FUNCTIONS

- 5% Handle the review of Department contracts and Feasibility Studies in order to ensure consistency and compliance with legal requirements. Closely review, edit and prepare Memoranda of Understanding concerning inter-agency agreements, inter-governmental agreements and other agreements with the Department that involve sharing sensitive workers' compensation reports or other sensitive records.

WORK ENVIRONMENT OR PHYSICAL ABILITIES

Work Environment:

- Work in a high-rise building
- Eligible for telework in accordance with CDIs Telework policy. Teleworking employees may be required to report to their headquarters office location on designated telework days. Travel expenses are not reimbursed, however other authorized transit subsidies do exist for those who qualify.

I have read and understand the duties listed above and I can perform these duties with or without reasonable accommodation. (If you believe reasonable accommodation is necessary, discuss your concerns with the hiring supervisor. If unsure of a need for reasonable accommodation, inform the hiring supervisor, who will discuss your concerns with the Health & Safety Analyst.)

Employee Signature

Date

Printed Name

I have discussed the duties of this position with and have provided a copy of this duty statement to the employee named above.

Supervisor Signature

Date

Printed Name