

DUTY STATEMENT

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DUTY STATEMENT

Employee Name: TBD	Current Date: TBD
Classification: Attorney IV	Position #: 673-110-5780-XXX
Division/Office: Executive Office	CBID: R02
Section: Legal Office	
Supervisor Name:	Supervisor Classification: Assistant Chief Counsel

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

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

SPECIAL REQUIREMENTS OF POSITION (IF ANY):

- ☒ Designated under Conflict of Interest Code.
- ☐ Duties performed may require pre-employment physical.
- ☐ Duties performed may require drug testing.
- ☐ Duties require participation in the DMV Pull Notice Program.
- ☐ Requires the utilization of a 32-pound self-contained breathing apparatus.
- ☐ Operates heavy motorized vehicles.
- ☐ Requires repetitive movement of heavy objects.
- ☐ Works at elevated heights or near fast moving machinery or traffic.
- ☐ Performs other duties requiring high physical demand. (Explain below):
- ☐ Duties require use of hearing protection and annual hearing examinations.

SUPERVISION EXERCISED

<input type="checkbox"/> None	<input checked="" type="checkbox"/> Lead Person
<input type="checkbox"/> Supervisor	<input type="checkbox"/> Team Leader

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FOR SUPERVISORY POSITIONS ONLY: Indicate the number of positions by classification that this position **DIRECTLY** supervises: Not Applicable

Total number of positions in Section/Branch/Office for which this position is responsible: Not Applicable

FOR LEADPERSONS OR TEAM LEADERS ONLY:

Indicate the number of positions by classification that this position **LEADS**: May act as a lead for lesser experienced attorneys, as needed.

MISSION OF SECTION: The California Air Resources Board (CARB) is a global leader in protecting air quality, fighting climate change, and furthering environmental justice. CARB's Executive Office plans, organizes, and directs the activities of staff to further the Board's mission to protect and preserve California's air quality while considering the effects on the State's economy. The Legal Office is part of the Executive Office. Its mission is to provide the highest quality legal advice and representation to the Board and staff to support programmatic efforts to improve air quality to protect public health and the environment and to ensure that all legal obligations of CARB are met in carrying out these efforts. The Legal Office provides legal support to the agency on a variety of complex topics related to the control of air pollution (criteria pollutants, toxic air contaminants, and greenhouse gases), including, but not limited to: adoption, interpretation, implementation, and enforcement of State and federal environmental and administrative laws and regulations, litigation in conjunction with the Attorney General's Office, personnel matters, contracts, grants, conflicts of interest, hearing procedures, and proposed legislation. The Legal Office maintains the primary responsibility for assisting CARB staff in the development of regulations and the documentation necessary to support their adoption. The Legal Office also provides legal assistance to California's 35 Air Pollution Control and Air Quality Management Districts.

CONCEPT OF POSITION: Under general direction of an Assistant Chief Counsel, the Deputy Counsel, and the Chief Counsel, this position is responsible for independently providing written and oral legal advice to CARB's executives, management, and staff on work involving enforcement, novel theories, emerging areas of law, legal specialization, litigation requiring high level of expertise, and precedential significance. As described above, the Legal Office maintains primary responsibility for ensuring compliance with statutory requirements and providing necessary legal support. The attorney in this position, along with the Legal Office's other lawyers in the Attorney IV classification, will exercise broad discretion and have primary responsibility for performing and overseeing technical and complex legal work by providing strategic advice to guide litigation.

This position will work closely with CARB management and staff, and as needed officials from other federal, State, and local government agencies, on all phases of the development, implementation, and enforcement of complex and highly technical regulations, plans, contracts, incentive and grant programs, and on the legal support for administrative functions that support those programs. This work includes, among other duties, developing and drafting regulations and overseeing rulemaking material preparation to ensure the regulations can withstand any subsequent legal challenges in both federal and state courts. It also includes applying advanced technical expertise, negotiation and litigation experience, and advocacy and analytical skills in a variety of situations that may arise.

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Key functions of this position include: providing legal advice on requirements of the Administrative Procedure Act (APA), federal and state Clean Air Act, Public Records Act, California Environmental Quality Act, Bagley Keene Open Meetings Act, and other laws; coordinating with federal and State agencies to interpret specific statutory and regulatory provisions, reviewing legal aspects of staff reports, letters, guidance and other documents and providing legal assistance to support Board actions; and providing legal review of grants and contracts. This position will exercise broad discretion in providing CARB management, staff, the Deputy Counsel, and the Chief Counsel, with written and oral advice, drafting and reviewing legal correspondence, working closely with the Assistant Chief Counsels to ensure the consistent delivery of high-quality legal services by team members, and performing a variety of related legal tasks. The attorney selected for this position may work closely with senior State officials, including those in the Executive Office of CARB, California Environmental Protection Agency (CalEPA), and the Governor's Office.

Travel between CARB headquarters (Sacramento and Riverside locations) other offices, and occasionally out of state, as required to complete duties (see duties below).

<u>% OF TIME</u>	<u>RESPONSIBILITIES OF POSITION</u>
40%-E	<p>Serves as primary attorney overseeing all phases of the development and implementation of complex and technical regulations. The attorney is responsible for drafting complex and sensitive regulations designed to produce maximum flexibility to regulated parties while achieving air quality goals and enforceability. In developing and drafting the regulations, the attorney works closely with CARB staff and officials from other federal and State government agencies, and oversees preparation of rulemaking materials. Duties require expertise in State and federal air pollution law, administrative law, statutory and constitutional law. The attorney participates in policy development and sensitive negotiations with affected State and federal stakeholders; and provides strategic advice to guide litigation requiring high level expertise.</p> <p>Independently develops legal strategy and advice on procedural and substantive compliance with various laws and regulations, including but not limited to, the Administrative Procedure Act, federal and state Clean Air Act, Bagley-Keene Open Meeting Act, and the California Environmental Quality Act.</p> <p>Provides specialized legal counsel directly to the Chair, Chair's Office, Executive Officer, deputies, division chiefs, branch chiefs, and staff on the most complex and controversial issues before CARB. This includes advice on the interpretation and analysis of laws, court decisions, rules, and regulations affecting the duties and responsibilities of CARB staff and Board members.</p>

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25%-E	<p>Independently provides legal support and review on matters related to contracts, grants, incentives, and other funding programs. Leads on conducting complex and sensitive enforcement actions.</p> <p>Drafts, reviews, and comments on legislative matters. The attorney works with the executive and legislative offices in developing legislative concepts and drafting proposed legislation on matters within the attorney's specific expertise. In developing concepts and proposed legislation, the attorney participates in negotiating with CARB executive staff, legislative staff, and affected parties. If concepts become proposed bills, the attorney assists CARB's Legislative Office in representing the agency before the Legislature.</p>
25%-E	<p>In conjunction with the Attorney General's Office, represents CARB in complex litigation in State and federal court, in both trial and appellate levels, in defending challenges to the Board's emissions reduction regulatory programs and statewide plan approvals and in prosecuting enforcement actions. The attorney actively assists in the development of litigation strategy and review of pleadings, briefs, and declarations.</p>
5%-M	<p>Responds to requests under the Public Records Act and court discovery seeking records relating to the attorney's areas of expertise. The attorney works with CARB staff, the requesting party, and the Public Records Act coordinator to define the scope of the request, help organize staff collection of responsive records, ensure a complete collection occurs, and provide legal review of records for privilege and exemptions.</p> <p>Travel between CARB headquarters (Sacramento and Riverside locations) other offices, and occasionally out of state, as required.</p>
5%-M	<p>Performs other duties and assignments within the scope of the classification as directed by the Chief Counsel, the Deputy Counsel, or an Assistant Chief Counsel.</p> <p>May act as lead to lesser experienced Legal Office attorneys.</p>