

DUTY STATEMENT



☒ **CURRENT**
☐ **PROPOSED**

CIVIL SERVICE CLASSIFICATION Attorney III		WORKING TITLE Staff Counsel		
PROGRAM NAME Office of the Director			UNIT NAME Legal Unit	
ASSIGNED SPECIFIC LOCATION Los Angeles			POSITION NUMBER 400 – 113-5795-012	
BARGAINING UNIT BU 2	WORK WEEK GROUP SE	BILINGUAL POSITION No	CONFLICT OF INTEREST FILER Yes	BACKGROUND CHECK No

General Statement

Under the general direction of the Chief Counsel of the Office of the Director Legal Unit (OD Legal) and the Assistant Chief Counsels, the incumbent represents the Director of the Department of Industrial Relations, the Department, and division chiefs and managers in a variety of subject areas within the responsibility and jurisdiction of the Department. The incumbent is expected to work with broad discretion and independence to perform the more complex and higher level work of OD—Legal. As a mid-level attorney, the incumbent is expected to produce well-written legal briefs; to appear in workers' compensation, civil or administrative courts as necessary and as assigned; to communicate in a professional, respectful and productive manner with opposing counsel, clients, stakeholders, colleagues, and the public; to travel as necessary and as assigned; and to demonstrate good judgment and act with high ethical standards. The ability to travel for a short duration (one to two days) is also required for this position.

Candidates must be able to perform the following essential functions with or without reasonable accommodations.

Percentage of Time Spent	Duties <u>Essential Job Functions</u>
30%	Provide legal analysis, advice and representation to the Director and the Department as a member of a practice area team in one or more of the following subject areas, as assigned, and based on the operational needs of the unit: 1) researching, analyzing and making recommendations to the Director on requests for public works coverage determinations, handling administrative appeals from those decisions, and defending the decisions of the Director in writ litigation when necessary; 2) serving as a hearing officer in appeals from civil wage and penalty assessments on public works projects which require the payment of prevailing wages, as well as in other areas where the Director is authorized to hold a hearing; 3) representing the Department in internal employment law and personnel matters, including proceedings before the State Personnel Board, Equal Employment Opportunity Commission, and Department of Fair Employment and Housing, and in related civil litigation; 4) representing the Department with respect to Public Records Act requests and any related litigation; 5) advising the Director and the Department with respect to matters involving the Information Practices Act, privacy, and contracts of all kinds; 6) reviewing and drafting recommended decisions on appeals from Labor Commissioner's decisions in retaliation complaint investigations; and 7) preparing legislative bill analysis documents and advising the Director with respect

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	to rulemaking, legislation, and general policy issues. The incumbent may serve as a lead over lower level attorney staff, with the responsibility for tracking assignments to team members and exercising leadership on legal questions.
25%	Provide legal representation for the Director of DIR as Administrator of a special workers' compensation fund, the Uninsured Employers Benefits Trust Fund (UEBTF), in workers' compensation cases at the Division Offices of the Workers' Compensation Appeals Boards, the Reconsideration Unit, and in civil appellate courts throughout California.
25%	Provide legal representation for the Director of DIR as Administrator of special workers' compensation fund, the Subsequent Injuries Benefits Trust Fund (SIBTF), in workers' compensation cases at the Division Offices of the Workers' Compensation Appeals Boards, the Reconsideration Unit, and in civil appellate courts throughout California.
15%	Serve as a team member representing the Director, the Department, and division chiefs in state and federal civil litigation, as assigned, involving any of the following substantive areas, without limitation: challenges to the constitutionality of statutory provisions and/or Department practices; workers' compensation law; the California Prevailing Wage Law; challenges to the validity or enforcement of regulations; apprenticeship matters; self-insured workers' compensation plans; Public Records Act requests and litigation; wage and hour law; and occupational health and safety matters.
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Percentage of Time Spent	Marginal Job Functions
5%	Performs other job-related assignments and duties as required based on operational needs of the organization.

Conduct, Attendance, and Performance Expectations

This position requires a high degree of professionalism, independence, organization, and productivity. The incumbent manages a caseload and independently performs more complex work, exercising initiative, judgment and broad discretion. All attorneys within OD—Legal are expected to conduct themselves ethically, to behave in a professional manner at all times while representing the Department, to demonstrate good judgment, and to treat others with respect and courtesy. According to the Bargaining Unit 2 MOU, which applies to all attorneys in OD—Legal, "[e]mployees are expected to work all hours necessary to accomplish their assignments and fulfill their responsibilities. Employees will normally average forty (40) hours of work per week including paid leave; however, work weeks of a longer duration may occasionally be necessary." This a full-time position.

Supervision Received

Staff Counsel work under the general direction of the Assistant Chief Counsels and Chief Counsel of the Office of the Director Legal Unit.

Supervision Exercised

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Staff Counsel do not supervise any other employee.

Work Environment, Special Requirements/Other Information, Physical Abilities, Additional Requirements/Expectations, and Personal Contacts

Work Environment

This is a full-time position headquartered in the Office of the Director - Legal Unit, located in an office environment on the 18th floor of a 45-story private office building located at 355 S. Grand Avenue, Los Angeles, California. This position requires in-state travel, either locally within Southern California, or for one to two day overnight trips within California, based on assignments, and as determined according to the needs of the Department. This is a full-time, Monday through Friday, position. Attorneys are expected to work all hours as necessary to accomplish their assignments, and although they will generally average a 40-hour week, longer work hours may occasionally be required. There is some flexibility as to the specific work schedule, which will be determined after hire in consultation with the Chief Counsel or Assistant Chief Counsel.

Special Requirements/Other Information

Attorney are required to be proficient in the use of word processing programs and legal research tools. This position requires extensive computer monitor and keyboard use for drafting, research, case management, file review, document management, training, and other purposes.

This position requires regular travel, either locally within the greater Los Angeles metropolitan area or overnight within California, based on assignments, and as determined according to the needs of the Department

Physical Abilities

Employees in this position work in an office at desks and in a stationary position for prolonged periods of time. Employees are required to work extensively on computers as necessary for the drafting of letters, briefs and other documents, and for research, email communication, file review, training and other purposes. Attorneys are expected to handle their own word processing, and secretarial support is generally limited to the finalization and filing process.

Additional Requirements/Expectations

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Personal Contacts

Attorneys in this position have contact with other attorneys and staff in OD—Legal, employees and supervisors and managers in other divisions of DIR, staff and management in the Director's Office and at the Labor and Workforce Development Agency, opposing counsel in their cases, unrepresented parties in their cases, judges and staff at administrative agencies, judges and staff in civil courts, court reporters, and members of the public.

Employee Acknowledgment

I have read and understand the duties listed above and certify that I possess essential personal qualifications including integrity, initiative, dependability, good judgment, and ability to work cooperatively with others; and a state of health consistent with the ability to perform these assigned

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duties as described above with or without reasonable accommodation. If you believe a reasonable accommodation is necessary, discuss your concerns with the hiring supervisor. If unsure of a need for a reasonable accommodation, inform the hiring supervisor who will discuss your concerns with the Medical Management Unit in the Human Resources Office.

Employee Name

Employee Signature

Employee Sign Date

Supervisor Acknowledgment

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

Supervisor Name

Supervisor Signature

Supervisor Sign Date

HUMAN RESOURCES OFFICE APPROVAL

C&S Analyst Initials

Approval Date