

DUTY STATEMENT~~✗~~ **CURRENT** ☒ **PROPOSED**

RPA Number: 25-OLC-065	Classification Title: Attorney III	Position Number: 810-410-5795-016
Incumbent Name:	Working Title: Attorney III	Effective Date:
Tenure: Permanent	Time Base: Full-Time	Intermittent Hours Per Month:
Division/Office: Headquarters	Section/Unit: Office of Legal Counsel	Reporting Location: Headquarters
Supervisor's Name: Anna Kathryn Benedict	Supervisor's Classification: Asst. Chief Counsel	CBID: R02
Confidential Designation: ☐ Yes ☐ No	Designated Position for Conflict of Interest: ☒ Yes ☐ No	Position Telework Eligible: ☐ Yes ☐ No
Supervision Exercised: ☐ None ☐ Lead ☐ Managerial ☐ Supervisory		

Human Resources Use Only:**HR Analyst Approval**

HR Analyst Name	HR Analyst Signature	Date
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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 general direction of an Assistant Chief Counsel, the incumbent is responsible for providing complex legal advice to all Department programs regarding various legal issues involving or affecting the Department. The incumbent works with broad discretion and independence with a minimum of supervision and is expected to be an expert in the more complex area of law within a departmental legal program. The incumbent may act in a lead capacity over the other attorneys.

Essential Functions (Including percentage of time)	
35%	Safer Consumer Products Provides legal support on matters related to the Safer Consumer Products Program (SCP). Advises Department management and staff on legal requirements applicable to implementation of the Safer Consumer Products regulations and other regulatory schemes. Provides interpretation of rights and responsibilities of the Department and others under applicable law, regulations, and policies. Researches and drafts memoranda on interpretation and implementation of statutes and regulations enforced or administered by the SCP. Drafts and analyzes proposed regulations for compliance with the Administrative Procedure Act.
30%	Legislation, Regulations and Policies Reviews and analyze proposed federal and state legislation and regulations pertaining to permitting, and safer consumer products issues. Participates in meetings with environmental, industry, governmental, and other groups regarding proposed legislation and regulations. Negotiates with lobbyists and legislative staff regarding language of proposed legislation and regulations affecting Department programs. Drafts and analyzes Department policies, procedures and guidance documents in order to ensure that they are clear, understandable, and consistent with applicable law. Provides training to Department staff on legal issues affecting the Department's roles and responsibilities on an occasional basis, as requested by Department management.
15%	Safer Consumer Products Litigation Drafts litigation referrals and ensures that all supporting documents are made available to the Attorney General's Office. Coordinates with the Attorney General's Office on Department litigation matters. Assists the Attorney General's Office with interpretation of statutes, regulations, policies and procedures regarding the Department's authority, and roles and responsibilities. Drafts and reviews complaints, motions, and other pleadings. Assists in discovery and trial, including witness and expert preparation. Represents Department employees subpoenaed for deposition and trial testimony.
15%	Permitting Prepares and reviews permitting documents (E.g., draft permits etc), while interpreting and applying pertinent laws, regulations, litigation risk and the overall litigation strategy of the Department of Toxic Substances Control (DTSC). Conducts thorough research in order to respond to public inquiries related to legal matters and litigation risks brought forward in public participation documents. Audits 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 DTSC by negotiating and finalizing permitting-related agreements. Engages in communication between internal and external stakeholders; analyzes and considers input in order to complete assignments in a timely manner.
5%	Administrative Tasks 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 timesheets by the due date.

Typical Physical Conditions/Demands:

The job requires extensive use of a personal computer and the ability to sit/stand at desk, utilize a phone, and type on a keyboard for extended periods of time. Ability to lift 15 pounds, bend and reach above shoulders to retrieve files and/or documents.

Typical Working Conditions:

A hybrid telework schedule may be available for this position. The incumbent works 40 hours a week, sitting most of the time under fluorescent lighting with sufficient temperature control, in close proximity with other employees. The incumbent will utilize typical office equipment, such as telecommunications equipment, computers, photocopiers/scanners, and fax machines. The incumbent is expected to be prepared and professional in appearance. The incumbent must be flexible in terms of work hours and work overtime occasionally. Travel to participate in meetings and hearings is required.

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:

The incumbent 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 incumbent must have the ability to: analyze legal principles and precedents and apply them to legal and administrative problems; perform legal research; prepare and present statements of fact, law, and argument clearly and logically in written and oral form; draft opinions, pleadings, rulings, regulations, and legislation; negotiate effectively and assist in trial preparation; work cooperatively with a variety of individuals and organizations and maintain the confidence and respect of others; communicate and work effectively under pressure. The incumbent must be licensed to practice law in California.

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
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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
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