

DUTY STATEMENT☐ **CURRENT** ☒ **PROPOSED**

RPA Number: HRC0001014	Classification Title: Attorney IV	Position Number: 810-411-5780-002
Incumbent Name:	Working Title: Attorney IV	Effective Date:
Tenure: Permanent	Time Base: Full-Time	Intermittent Hours Per Month:
Division/Office: Office of Legal Counsel	Section/Unit:	Reporting Location: Cal Center
Supervisor's Name: James Andrew	Supervisor's Classification: Assistant 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

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 Attorney IV is responsible for providing legal services to all Department programs, including Site Mitigation and Restoration Program, the Brownfields and Environmental Restoration Program and the Hazardous Waste Management Program regarding comprehensive state and federal environmental laws and

regulations. The Attorney IV works with the broadest discretion and independence with minimum supervision. The Attorney IV reports directly and receives the majority of assignments from the Assistant Chief Counsel. However, direction and assignments may also come from the Chief Counsel or Deputy Chief Counsel. The Attorney IV interacts with the Director and Deputy Directors, the Secretary for CalEPA and his/her senior staff, staff of the Governor's Office, staff of other agencies such as the Department of Finance, and the Department's staff, including OLC staff, Brownfields and Environmental Restoration Program staff and the Hazardous Waste Management Program staff. The Attorney IV will often handle attorney-client privileged information or other confidential or highly sensitive information and work closely with the Attorney General's Office. Inadequate performance by the Attorney IV may delay work performed by others in the Department or compromise legal positions of the Department. Duties include but are not limited to:

Essential Functions (Including percentage of time):

30%	Pre-Litigation and Litigation Support; Enforcement Provides legal support and advice related to and in preparation for complex litigation in federal and state courts including cost recovery actions and tort claims. Evaluates claims and works to avoid litigation by securing cost recovery contributions with potentially responsible parties via pre-litigation settlement agreements or similar. Supports the Attorney General's Office in litigation and in anticipation of litigation, including preparing for pre-trial and trial matters; reviewing and commenting on complaints, motions, and other pleadings; responding to discovery requests; conducting negotiation and settlement; and preparing witnesses and expert witnesses for trial. Supports the Attorney General's Office in defending the Department in legal actions and in representing the Department in bankruptcy proceedings. Represents the Department employees subpoenaed for deposition and trial testimony. Prepares complex enforcement cases for administrative proceedings and for filing in federal and state courts. Interacts and provides recommendations to the decision-makers regarding complex and sensitive issues related to litigation and enforcement cases, including liability issues and governmental immunity issues. Advises program staff on litigation-related issues. Supports the Attorney General's Office in defending the Department in lawsuits contending that the Department failed to comply with California Environmental Quality Act (CEQA) requirements.
20%	Permitting Provides legal support on matters related to the Department's permitting program for hazardous waste facilities and handlers including permits, closure, and corrective action. Researches legal issues and provides written and oral advice to the Director, Deputy Directors, and Department staff on the interpretation and implementation of the applicable statutes and regulations. Reviews permitting documents and hazardous waste management requirements for consistency with state and federal laws, including both substantive and technical adequacy. Represents the Department in negotiating and finalizing cleanup or corrective action agreements with responsible parties.
20%	Program Support Provides legal advice and assistance to the Department's management. Oversees legal consistency and formulates legal policy pertaining to the implementation of applicable laws and regulations, including the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. § 9601 et seq.), the Hazardous Waste Control Act (Health & Saf. Code, division 20, chapter 6.5), and the Hazardous Substance Account Act (State Superfund law) (Health & Saf. Code, division 20, chapter 6.8). Provides legal recommendations and other legal support concerning proposed hazardous waste legislation and regulations, complex litigation, and statewide program initiatives affecting the Cleanups Program. Meets with the Deputy Director and other Department managers on a regular basis to coordinate legal support. Reviews Public Records Act (PRA) requests, and other public and legislative inquiries, and the Department's responses. Provides legal support and advice on record requests about sites and issues implicated in anticipated or ongoing litigation and the appropriate course of action. Researches PRA requirements to determine whether records are privileged or otherwise exempt from disclosure.

20%	Document Review and Consultation Prepares and negotiates contracts access agreements and other legal documents and provides the documents to the decision-makers. Reviews complex technical, legal and other documents, including documents for removal actions, remedial actions, corrective actions and hazardous waste facility closure activities to ensure compliance with federal and state statutory and regulatory requirements. Reviews public participation documents including fact sheets, community notices, press releases, and other documents provided to the public. Reviews and analyzes legislation regulations and guidance documents. Participates in public hearings, public meetings, workshops, legislative hearings, and other meetings with stakeholders. Provides legal support and advice on CEQA analysis and documentation to ensure the Department's decisions are in compliance with the requirements of CEQA and CEQA guidelines. Assists with responses to comments on CEQA documentation.
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.
Marginal Functions (Including percentage of time):	
5%	Other Duties Performs other duties as required to support the functions of OLC.
Typical Physical Conditions/Demands:	
Standing, bending, walking, and stooping are required. The Attorney IV will utilize typical office equipment such as telecommunications equipment, computers, photocopiers/scanners, and fax machines.	
Typical Working Conditions:	
The Attorney IV works in multi-story buildings sitting under fluorescent lighting with sufficient temperature control in close proximity with other employees. The Attorney IV is expected to be prepared and professional in appearance and be flexible in terms of work hours and work overtime occasionally. Travel to attend project-related meetings, public meetings, public hearings, and site visits 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 Attorney IV 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 Attorney IV must have the ability to: Analyze complex and difficult legal principles and precedents and apply them to difficult and complex legal and administrative problems; perform exceptionally difficult and complex legal research; prepare and present statements of fact, law, and argument clearly and logically in written and oral form; draft complex and difficult opinions, pleadings, rulings, regulations, and legislation; negotiate effectively and conduct crucial litigation; work cooperatively with a variety of individuals and organizations, communicate effectively and maintain the confidence and respect of others; and work effectively under pressure.	

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

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
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Employee Name	Employee Signature	Date