

DUTY STATEMENTDuty Statement for
Professional / Analytical Classifications

State Compensation Insurance Fund

Employee's Name (First, Last)	
Program Legal Department	Work Unit Workers' Compensation Defense Unit
Position's Authorized Classification (and Range) Attorney III	Report To Attorney, Assistant Chief Counsel
Position Title Attorney III	Position Serial Number ###.###
Incumbent Appointment Classification Attorney III ☐ The incumbent is underfilling the position in the Not Applicable classification. S/he will be given appropriate training, direction, and feedback	CBID R02 FLSA Status ☐ Covered, Work Week Group 2 ☒ Not Covered, Exempt WWG ☐ E or ☒ SE

PURPOSE/SCOPE:

Briefly describe or summarize the position's major functions. Why the position exists? Typically includes the following:

- Intent/Purpose of the position
- Degree of direction/supervision (Under what direction)
- Nature and level of the work

Example: Under direction (*degree of supervision*), perform the full range (*scope*) of varied, sensitive**, and complex** (*level of work*) analytical and consultative work necessary to effectively administer the program's _____ function (*reason for the position*).

** "Sensitive" and "Complex" should be defined

Under the direction of the Attorney, Assistant Chief Counsel, the Attorney III represents State Fund in handling/ litigating more complex** workers' compensation cases and assignments of above average difficulty** necessary to defend the State Fund and its insureds. This position handles Serious and Willful ("S&W") claims. Attorney IIIs representing the interests of State departments will also handle Labor Code Section 132a cases before the DWC/ WCAB. This position may advise any of State Fund's Program Managers or Programs regarding a broad variety of workers' compensation related issues.

Supervisor's Statement: I have discussed the duties of the position with the employee		
Supervisor's Name (Print)	Supervisor's Signature	Date
Employee's Statement: I have discussed with my supervisor the duties of the position and have received a copy		
Employee's Name (Print)	Employee's Signature	Date

Duty Statement Origination or Revision Date 6/8/2023

KEY RESULTS/ESSENTIAL FUNCTIONS: Specifically describe the 3-5 Key Results (or Essential Functions) of the position in order of their importance to achieve the purpose/scope of the position.

Each Key Result/Essential Function description should have statement(s) consisting of

1	2	3
An <u>action verb</u> : What is done? Define or elaborate on common vague words (e.g., "coordinates", "monitors", "assists")	The immediate <u>object</u> of the action	The <u>reason</u> for the action: Why?

In all aspects of performing the following Key Results/Essential Functions the incumbent will

- comply with the Code of Conduct and
- maintain regular and predictable attendance and/or communication availability during working hours.

The statements contained in this duty statement reflect general details as necessary to describe the principal results/functions of this job. It should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties as assigned, including work in other functional areas.

40%

- 1) Develop litigation strategy to represent the State Fund on more complex workers' compensation cases of above average difficulty filed against the State Fund or the interests of the various State departments before the DWC/WCAB, including claims for serious and willful misconduct. Attorney IIIs representing the interests of State departments will also handle Labor Code Section 132a cases before the DWC/WCAB.

(This is an essential function of the job)

- a. Conduct a wide variety of research
- b. Analyze applicable legal principles and precedents and apply them to assigned cases and assignments in an appropriate and effective manner
- c. Prepare litigation including appropriate discovery through depositions, statements of witnesses, review of employment and medical records, and analysis of the medical status of a case, thereby consistently obtaining favorable results
- d. Review all court decisions and file appropriate and timely appeals as required
- e. Timely prepare and respond to discovery requests (including but not limited to subpoena for records or witnesses)
- f. Timely prepare legal pleadings, communications with stakeholders and the courts,
- g. Prepare witnesses
- h. Provide advice and counsel to Claims and other internal business partners in making timely decisions under the law
- i. Under the direction of the Attorney, Assistant Chief Counsel, may handle some of the more complex, sensitive and difficult workers' compensation cases, projects and assignments.

**** The Attorney III is expected to effectively work primarily on more complex workers' compensation cases and assignments of above average difficulty which consist of features including, but not limited to, the following:**

- Above average to high impact to the California business environment (employers, employees, the workers' compensation system.)
- Above average to high political and media impact, implications, or sensitivity.
- Above average to high potential dollar amount of the transaction or risk.
- Handle the majority of individual cases with above average to high potential exposure to State Fund.
- Participate on "project" type work
- Handle matters in which cases have been consolidated and coordination of multiple parties/issues is necessary.
- Precedent setting exposure where there is a possibility of above average to high impact on State Fund.
- Above average to high level novelty and high industry focus on legal issue(s) involved (new or unsettled points of law.)
- Handle Serious & Willful (S & W) claims of above average difficulty before the WCAB.
- High amount of time/resources needed to litigate (a reflection of the above factors.)

In performing the required function, the Attorney III shall:

- Effectively and competently represent State Fund, its insureds (S&W cases), and the State Departments under the Master Agreement (S&W claims and 132a) consistent with the law and State Fund's approved policies, procedures, and guidelines.
- Advise and counsel Claims and internal business partners
- Provide quality customer service in a timely manner
- Maintain a high level of professional standards and deportment with the State Fund, its insureds, its clients, and the legal community
- Comply with the Code of Conduct
- Maintain a safe working environment
- Defend the State Fund against fraudulent activities
- Maintain good customer relationships with internal and external business partners and stakeholders
- Properly maintain assigned equipment

40%

2) Competently represent State Fund, its insureds and State departments (before the WCAB.
(This is an essential function of the job)

- a. Conduct negotiations with opposing attorneys, hearing representatives, and outside counsel
- b. Competently represent and defend the interests of State Fund, its insureds, and/or the State Agencies at hearings, arbitrations, depositions, trials, and on Petitions for Reconsideration
- c. Proactively resolve cases and issues through settlement and trial. Draft settlements and other documents to protect the interests of State Fund, its insureds and/or State agencies
- d. Work cooperatively with a variety of individuals and organizations, and maintain the confidence and respect of others

10%

3) Administrative Duties as Assigned (This is an essential function of the job)

- a. Report transactions, prepare reports and desired metrics, and perform other administrative duties as required
- b. Conduct inventory control, including but not limited to case audits, case counts, reviews of files for destruction, and closure of files at the direction of the Attorney, Assistant Chief Counsel
- c. Maintain user mastery over State Fund's computer based technology.

5%

4) Legal Liaison/Business Lead (This is an essential function of the job)

- a. Implement and carry out responsibilities necessary for effective and efficient administration of assigned functions through formulation of legal opinions in a broad variety of more complex cases and advice matters of above average difficulty. Work with other attorneys and internal business partners as needed.
- b. Assist Legal Management in implementing uniform Legal Management procedures, case processing, electronic or digital legal business processes, and case handling metrics
- c. Assist or lead projects/initiatives at the request of Legal Management
- d. Serve as Legal's representative on various committees such as, but not limited to those addressing analysis and implementation of legislation and regulation mandates
- e. Review, analyze, and advise Legal Management and other State Fund business units on new and existing legislation impacting State Fund and its policies and operations.

5%

5) Training (This is an essential function of the job)

- a. Conduct training for the Legal Department and other business partners and stakeholders at the direction of Legal Management
- b. Through group and individual training of attorney staff, assist in developing their knowledge and proficiency; provide direct and continuous training of legal support personnel.

100%

REQUIRED QUALIFICATIONS/COMPETENCIES (KNOWLEDGE, SKILLS/ABILITIES):

KNOWLEDGE AREAS:

This practice requires proficiency in California workers' compensation laws; 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.

SKILLS/ABILITIES:

To analyze applicable legal principles and precedents and to apply them to assigned cases.

To write effective and persuasive legal memorandums, petitions, pleadings and appeals.

To effectively and verbally advocate for State Fund.

To communicate professionally and effectively, verbally and in writing, with all customers and stakeholders

To prioritize and effectively work in a fast-paced work environment.

To work independently and as a team member with co-workers and management to discuss, address, and resolve issues.

To provide training to internal and external customers and stakeholders.

To work effectively with State Fund software applications and computer systems.

WORK ENVIRONMENT:

Physical Requirements

Computer data entry, frequent light lifting, bending, reaching, carrying, and telephone work.

Occasional lifting up to 20 pounds.

****This position is designated under the State Fund Conflict of Interest Code. The position is responsible for making or participating in the making of governmental decisions that may have a material effect on personal financial interests. The selected candidate is required to complete the Statement of Economic Interest—Form 700 within 30 days of appointment and once per year thereafter.****

Travel

Travel as necessary to fulfill duties as described.

Travel may occasionally be from overnight to five days in duration.

Emergency call backs

Work Hours

Employees 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.