

# DUTY STATEMENT



**CURRENT**  
 **PROPOSED**

<b>CIVIL SERVICE CLASSIFICATION</b> Attorney III		<b>WORKING TITLE</b> Attorney III - Audit/MPN		
<b>PROGRAM NAME</b> Division of Workers' Compensation			<b>UNIT NAME</b> Legal	
<b>ASSIGNED SPECIFIC LOCATION</b> Oakland			<b>POSITION NUMBER</b> 400- 601-5795-007	
<b>BARGAINING UNIT</b> R02	<b>WORK WEEK GROUP</b> SE	<b>BILINGUAL POSITION</b> No	<b>CONFLICT OF INTEREST FILER</b> Yes	<b>BACKGROUND CHECK</b> No

## General Statement

Under the general direction of the Chief Counsel and/or Assistant Chief Counsel of the Division of Workers' Compensation, the Attorney III acts as legal counsel on complex and sensitive matters relating to the Division. The Attorney III exercises broad discretion and acts with independence in providing legal representation and counsel. The Attorney III is expected to have experience, strong technical lawyering skills, subject matter expertise in multiple areas of the Division's responsibility, and to have the ability to perform complex, novel, difficult and sensitive legal work in the unit.

As counsel for the Division's Audit Unit and Medical Unit, the Attorney III provides advice and guidance regarding the interpretation and application of workers' compensation statutes and regulations, and acts as counsel for the Audit Unit and Medical Unit in administrative enforcement actions. Additionally, the Attorney III will prepare or participate in rule-making actions on behalf of the Division, and conduct legislative analysis as needed. The Attorney III is expected to be knowledgeable about the California Court system, California laws regarding the legislative process, and the regulatory process.

This position is designated under the Conflict of Interest Code. The position is responsible for making or participating in the making of governmental decisions that may potentially have a material effect on personal financial interests. The appointee is required to complete Form 700 within 30 days of appointment.

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

<b>Percentage of Time Spent</b>	<b>Duties Essential Job Functions</b>
<b>40%</b>	Provides legal advice and counsel to the Division's Audit Unit on legal issues of varying complexity, including but not limited to, audit procedures, indemnity benefits, utilization review, benefit notices, and medical billing. Performs legal research and drafts memoranda. Assists in the investigation of claims administrators for compliance with workers' compensation laws. Represents the Audit Unit in administrative enforcement actions and civil penalty proceedings, which may involve litigation in administrative tribunals, state and federal court, and at the trial and appellate level.
<b>20%</b>	Handles complex rulemaking actions for all aspects of the workers' compensation system.

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25%	Drafts regulations and supporting documents. Convenes and presides over public rulemaking hearings, and performs all legal tasks necessary for adoption of regulations.
10%	Provides legal advice and counsel to MPN Team supervisor and staff; Works with DWC's Medical Unit investigator to respond to MPN Complaints, Petitions for Suspension or Revocation of MPNs, random reviews and assessment of administrative penalties; Handles MPN Independent Medical Review applicantins and assigns MPN IMR reviews.
10%	Performs legislative bill analysis, drafts legislation, and drafts correspondence to the legislature. Responds to Public Record Act requests. Communicates with the public regarding various workers' compensation legal issues, and drafts legal correspondence on complex issues.
Percentage of Time Spent	Marginal Job Functions
5%	Performs a variety of other highly sensitive and/or complex legal duties requiring a high level of skill, judgment, and diplomacy.

## Conduct, Attendance, and Performance Expectations

The State of California adheres to a number of laws and policies that are designed to promote a safe, comfortable, and professional work environment for all employees. As a state employee, you are responsible for arriving to and leaving work at the times agreed upon by your supervisor including returning on time after lunch and break periods. You are expected to behave courteously and responsibly at all times. Remember that the image of an organization rests upon the behavior of the employees who represent it. You and your supervisor will participate in the regular employee appraisal process throughout your career. This appraisal process affords you and your supervisor an opportunity to discuss your job performance and career development.

## Supervision Received

Under the general direction of the Chief Counsel and/or Assistant Chief Counsel

## Supervision Exercised

None

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

### Work Environment

The Attorney III works in an air conditioned office building with natural and artificial lighting as well as temperature control. The Attorney III will often work in an office with a door but may be in close proximity to others working in cubicles. The position is required to work extensively on computers to conduct research, draft email communication, and other work activities.

## Special Requirements/Other Information

Membership in the State Bar of California

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## Physical Abilities

The duties of this position are performed indoors in an office equipped with standard or ergonomic office equipment, as appropriate. The position allows for telework and/or hybrid work in accordance with CalHR's and the DIR's telework policy and procedures. The position requires the ability for prolonged sitting and to work at a computer for extended periods of time and to move and transport office items in a safe manner. The incumbent may be required to travel by car or airplane to attend conferences, meetings, or training classes.

## Additional Requirements/Expectations

The incumbent is expected to communicate effectively orally and in writing in order to complete work assignments. The incumbent must be able to maintain appropriate confidentiality at all times due to the nature of the work performed. Additionally, the incumbent must be dependable and have the ability to work cooperatively with staff at all levels both within and outside the Department.

## Personal Contacts

The incumbent has contact with the Administrative Director and staff at all levels within the Division and Department, as well as external stakeholders, staff at the Labor and Workforce Development Agency as well as staff from the Governor's office and Legislature.

## 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 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 Diversity and Inclusion Office.*

\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
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

\_\_\_\_\_  
Date

## HUMAN RESOURCES OFFICE APPROVAL

\_\_\_\_\_  
C&P Analyst Initials

\_\_\_\_\_  
Approval Date

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