

**Classification:** Attorney

**Position Title:** Personnel Attorney

**Position Number:** 801-120-5778-012

**Division/Branch:** Office of Legal Affairs

**Location:** Sacramento County

### Job Description Summary

Under the direction of the Assistant Chief Counsel (ACC), the Personnel Attorney provides legal support to Covered California in matters related to personnel, equal employment opportunity, and administrative litigation, while receiving guidance and supervision from more senior attorneys and management. Duties may include access to information systems containing protected enrollee information, including federal tax information, protected health information, and personally identifying information.

### Job Description

#### 35% (E)

Performs a wide variety of legal work primarily concerned with preparing and litigating Covered California's more routine employment law cases before state and federal hearing officers, administrative law judges, or trial courts, under guidance from senior attorneys. Represents Covered California in administrative hearings and is responsible for litigating all aspects of assigned cases. Provides legal support and advice to Covered California management on legal issues and acts as a liaison between Covered California and the Attorney General's Office or contracted law firms. Performs legal research, drafts legal memoranda, and applies laws, rules, court decisions, and other authorities; works closely and timely with Human Resources staff and management on pending personnel issues to investigate the facts, assess risks, prepare complex employment actions (e.g., the Notice of Adverse Action), and develop litigation strategies; is familiar with the rules of evidence and evaluates evidence for administrative hearings; represents Covered California in administrative hearings and appeals before various administrative bodies including the State Personnel Board (SPB), California Department of Human Resources (CalHR), California Department of Fair Employment and Housing (DFEH), U.S. Equal Employment Opportunity Commission (EEOC), California Unemployment Insurance Appeals Board (CUIAB), and California Department of Labor Standards Enforcement (DLSE); litigates assigned cases, which includes propounding and responding to discovery, drafting and responding to motions, coordinating subpoenas, preparing witnesses, strategies, arguments, and materials, and presenting cases at hearing; negotiates and prepares settlement agreements in pending cases; and handles other legal work related to administrative litigation as needed.

### **45% (E)**

Provides legal advice and support to the Human Resources, Business Services, Labor Relations, and EEO divisions of Covered California and other management on routine or less complex personnel-related issues under guidance from senior attorneys, such as violations of policies, rules, statutes and regulations, labor union contracts and grievances, EEO complaints, Workplace Violence complaints, and other health and safety matters. Reviews and advises regarding Covered California personnel policies and procedures. Provides legal advice to management regarding Covered California's business operations; provides an assessment of the legal risks and issues that may affect the Covered California such as lease agreements, commercial contracts, and matters related to corporate, labor and employment, constitutional, and administrative/government laws; provides practical, timely, and accurate advice on the day-to-day issues that may arise during the operations of Covered California; performs legal research to provide management with advice and recommendations; meets and confers with other attorneys, programs, and support staff to determine and corroborate plans of action on issues arising out of program areas; and accepts service of subpoenas, lawsuits, claims, and complaints and responds appropriately. Evaluates criminal history reports to make a determination of the applicant's fitness for the job based on their record and an individualized assessment, including information provided in or with the Personal History Statement.

### **15% (E)**

Attends meetings and makes presentations; develops and provides training to staff and/or management; participates in task force projects to improve Covered California business processes; leads, coaches and counsels program managers and staff in the areas of personnel practices. Performs other house counsel services which include drafting and editing regulations; responding to discovery requests and subpoenas; reviewing contracts and grants; responding to Public Records Act requests; and advising regarding conflict-of-interest issues. Providing training to staff will require travel and overnight stays throughout California on an infrequent basis.

### **5% (M)**

Performs other legal duties as required and necessary to accomplish the work of the Unit. Some travel up to 5%, to attend trainings and offsite meetings.

### **Scope and Impact**

- a. *Consequences of Error:* Incumbent must file a form 700 under the Board's Conflict of Interest Code. Incumbent must be a member in good standing in the State Bar of California. Incumbent must possess excellent analytical skills, clear writing ability, and effective oral communication skills.
- b. *Administrative Responsibility:* This position does not have administrative responsibilities.
- c. *Supervision Exercised:* This position does not exercise supervision.
- d. *Internal Personal Contacts:* General Counsel, Assistant General Counsel, Attorneys, Executives, All Program Management & Staff.
- e. *External Personal Contacts:* AG's Office; SEIU representatives and attorneys; outside counsel; administrative hearing staff and Administrative Law Judges from CalHR, SPB, CUIAB, EEO/DFEH, and other agency managers and attorneys.

## **Physical and Environmental Demands**

### *Work Environment*

Work in a climate-controlled office under artificial lighting; exposure to computer screens and other basic office equipment; office space is open and thus noisy; work in a high-pressure fast-paced environment, under time critical deadlines; work long hours; must be flexible to work days/nights, weekends and select holidays as needed; during peak periods, may be required to work overtime; appropriate dress for the office environment.

### *Essential Physical Characteristics*

The physical characteristics described here represent those that must be met by an employee to successfully perform the essential functions of this classification. Reasonable accommodations may be made to enable an individual with a qualified disability to perform the essential functions of the job, on a case-by-case basis. Ability to attend work as scheduled and on a regular basis and be available to work outside the normal workday when required. Continuous: Upward and downward flexion of the neck. Frequent: sitting for long periods of time (up to 70%); repetitive use of hands, forearms, and fingers to operate computers, mouse, and dual computer monitors, printers, and copiers (up to 70%); long periods of time at desk using a keyboard, manual dexterity and sustained periods of mental activity are need; frequent: walking, standing, bending and twisting of neck, bending and twisting of waist, squatting, simple grasping, reaching above and below shoulder level, and lifting and carrying of files, and binders. Note: Some of the above requirements may be accommodated for otherwise qualified individuals requiring and requesting such accommodations.

## **Working Conditions and Requirements**

- a. *Schedule*: Core business hours are Monday through Friday, 8:00 AM – 5:00 PM.
- b. *Travel*: Travels up to 5% to other Covered California offices, to and from court hearings throughout the state, and to attend conferences in California or in other states.
- c. *Other*: Incumbent must file a Form 700 under the Board's Conflict of Interest Code and be a member in good standing in the State Bar of California.