

## DUTY STATEMENT



☒ **CURRENT**

☐ **PROPOSED**

<b>CIVIL SERVICE CLASSIFICATION</b> Attorney III		<b>WORKING TITLE</b> Attorney III, Cal/OSHA – BOI and Regulations		
<b>PROGRAM NAME</b> Division of Occupational Safety and Health			<b>UNIT NAME</b> Legal	
<b>ASSIGNED SPECIFIC LOCATION</b> Fresno			<b>POSITION NUMBER</b> 400 – 442-5795-XXX	
<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 Attorney Supervisor of the Division of Occupational Safety and Health (DOSH), the incumbent represents DOSH in the full range of legal issues within the jurisdiction of the Division. Works effectively with opposing counsel and other external representatives who also have a high level of experience, expertise and skills. Represents DOSH in administrative hearings before the Occupational Safety and Health Appeals Board (the Appeals Board) and civil and writ litigation before California trial and appellate courts; analyzes and drafts legislation; serves as counsel at public meetings; and provides legal services on a wide variety of other issues impacting DOSH, in multiple substantive areas of law, including occupational safety and health law, administrative law, employment law, labor law, constitutional law, privacy law, corporate law, bankruptcy law, criminal law, and civil procedure. Advises special investigators in the Bureau of Investigations and DOSH enforcement and legal staff on criminal law, its intersection with Title 8 and the Labor Code and criminal referrals to district attorneys for prosecution. Drafts regulations, prepares regulatory packages and advises the Chief and Deputy Chiefs on the same.

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

<b>Percentage of Time Spent</b>	<b>Duties <u>Essential Job Functions</u></b>
30%	<p>Legal Representation</p> <p>Represent DOSH as a civil prosecutor before the Appeals Board in complex appeals and reconsideration proceedings through all stages of the hearing process, including, but not limited to, attending pre-hearing conferences and status conferences, preparing and responding to motions, petitions for reconsideration, discovery, and other legal correspondence; preparing and examining witnesses; and conducting oral argument. Represent DOSH in writs of mandate filed by and against DOSH before trial and appellate courts; appeals of denial of a permit or revocation of a license or certification; and the issuance of inspection warrants.</p>
25%	<p>Training and Policy Analysis</p> <p>Devise and author curriculum and original training and/or educational materials and oversee other attorneys in the presentation of, training classes to field personnel and legal staff; devise and execute projects such as audits and the creation of reference materials covering specialized practice areas for use by attorneys and field staff; write or review sections of the DOSH Policy and Procedures Manual; analyze, evaluate, and make recommendations to</p>

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	the Chief concerning proposed legislation affecting the DOSH, including drafting and reviewing bill analyses for the Department of Industrial Relations (DIR); assist in the development and drafting of proposed legislation for the advancement of the Cal/OSHA program.
20%	<b>Bureau of Investigations</b> Advise special investigators, supervising special investigators and the chief investigator within the Bureau of Investigations on the legal aspects of potential criminal referrals to local district attorneys for prosecution. Liaise with deputy district attorneys on referred cases and potential referrals. Review and approve referral reports drafted by investigators. Draft training and review and/or develop policies relating to the work of the Bureau with a focus on legal aspects. Review case files and advise the Attorney Supervisor on the merits of cases. Respond to subpoenas in third party litigation involving BOI referrals and defend depositions.
20%	<b>Regulations</b> Drafts complex occupational health and safety related regulations and assists DOSH units with legal review of technical regulations including but not limited to the following: elevator, pressure vessel, process safety management, amusement ride and cranes. Prepares rulemaking packages to accompany regulatory text for submission to the Office of Administrative Law. Drafts public facing material about new, technical regulations and reviews such material for legal sufficiency when prepared by others. Serves as lead counsel on high-profile regulatory packages and advises the Attorney Supervisor, Assistant Chief and Chief Counsels and Deputy Chiefs on the same.
Percentage of Time Spent	Marginal Job Functions
5%	Reviews media responses and conducts presentations or other outreach to the public. Performs other related duties as required to fulfill the Division and Legal Unit objectives.

### Conduct, Attendance, and Performance Expectations

The Attorney III is required to take substantial initiative, exercise a considerable amount of discretion, behave in an honest, fair and ethical manner, display superior work habits (e.g., organizational skills, accountability, timely completion of assignments), work independently, and produce the highest quantity and quality of legal work. The Attorney III is expected to be professional, courteous, and work cooperatively with all levels of DOSH management, staff, and the public. The Attorney III must maintain consistent and regular attendance. Attorneys will normally average forty hours of work per week including paid leave; however, depending on workload, special assignments, or projects, attorneys may occasionally be required to work beyond the forty hours per week and are expected to work all hours necessary to accomplish their assignments and fulfill their responsibilities. The Attorney III travels throughout the state as assigned with overnight stays of varying length and frequency.

### Supervision Received

Under the general direction and supervision of the Attorney Supervisor and receive general direction and indirect supervision from the Assistant Chief Counsel and the Chief Counsel of the DOSH Legal Unit.



### **Supervision Exercised**

None

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

#### **Work Environment**

Employees in this position have their own offices, work at desks, and are required to work extensively on computers as necessary to accomplish their duties. Attorneys are required to conduct in-person hearings throughout the state and appear in court throughout the state. Attorneys may also conduct video hearings and telephonic conferences as required by a Judge or administrative body.

#### **Special Requirements/Other Information**

Must be a member of the California Bar and qualified to practice law in California.  
The incumbent must demonstrate the ability to establish and maintain cooperative working relationships with staff at all levels both within and outside of DOSH to complete work assignments. The incumbent must demonstrate the ability to use the Internet, email, desktop applications and presentation software to complete assignments.  
This position also requires in-state travel, either locally, or for one to three-day overnight trips within California, based on assignments, and as determined according to the needs of DOSH.

#### **Physical Abilities**

The ability to use a computer, telephone, and other office equipment such as copiers and scanners is necessary. The incumbent will be required to travel occasionally. Some lifting, bending, and stooping may be required. No other specific physical abilities are required.

#### **Additional Requirements/Expectations**

The incumbent must handle sensitive and confidential materials and matters in a professional manner and establish cooperative working relationships with others.

#### **Personal Contacts**

Attorneys in this position have contact with other attorneys and staff in DOSH Legal, employees and supervisors and managers in other divisions of DOSH, staff and management in the DIR Director's Office, other agencies within DIR and at the Labor and Workforce Development Agency, opposing counsel in their cases, unrepresented parties in their cases, judges and staff at administrative agencies, judges and staff in civil courts, court reporters, and members of the public.

#### **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*

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*Medical Management Unit in the Human Resources Office.*

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

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

\_\_\_\_\_  
Employee Sign 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

\_\_\_\_\_  
Supervisor Sign Date

### HUMAN RESOURCES OFFICE APPROVAL

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AM

C&S Analyst Initials

\_\_\_\_\_  
10/30/2024

Approval Date