



POSITION DUTY STATEMENT

<b>Division:</b> New Motor Vehicle Board	<b>Classification Title:</b> 5795 Attorney III
<b>Branch:</b> New Motor Vehicle Board	<b>Working Title:</b> Senior Staff Counsel
<b>Unit:</b> New Motor Vehicle Board	<b>Tenure/Timebase:</b> Permanent Fulltime
<b>Position City:</b> Sacramento	<b>Position County:</b> Sacramento County
<b>Position Number:</b> 015-5795-002	<b>CBID/Bargaining Unit:</b> R02
<p><b>Conflict of Interest Classification:</b> Yes</p> <p>This position is designated under the Conflict of Interest Code. This 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. Failure to comply with the Conflict of Interest Code requirements may void the appointment.</p>	
<b>Medical Evaluation:</b> No	<b>Bilingual Language:</b> Unknown
<b>Sensitive Position:</b> No	<b>DMV Employee Pull Notice:</b> No
<b>Fingerprint/Live Scan:</b> Yes	<b>Professional License:</b> Yes
<b>Work Week Group:</b> SE	<b>Effective Date:</b> 07/16/2020

<b>Direction Statement and General Description of Duties:</b> Under the general direction of the Executive Director, New Motor Vehicle Board (NMVB) in the NMVB Legal Division, the Attorney III performs the following duties:	
<b>Percentage and Essential/Marginal Functions:</b>	
30%	<p><b>(E)</b></p> <p>(E) Case Management Administers the intake and disposition of all protests and petitions, including but not limited to, managing the timing of discovery, and establishing settlement conferences, briefing schedules on law and motion issues, and hearings on motions and the merits.</p>



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	<p>Facilitates the resolution of procedural issues and serves as liaison between the parties and the Board Administrative Law Judges. Evaluates and ensures the legal correctness of all Board orders and notices that are issued in protests and petitions. Drafts complex Board orders and notices. Conducts the most difficult Pre-Hearing Conferences and Status Conferences. Acts in a lead capacity over support staff who participate in drafting notices and setting conferences. Initiates and completes projects in the area of enhanced case processing and case management. Ensures the Board's compliance with various statutory and regulatory provisions including the Vehicle Code, Code of Civil Procedure, Government Code, and Title 13 of the California Code of Regulations. Reviews and analyzes all pleadings and statutorily required notices, schedules, and formulas filed with the Board for legal compliance and timeliness. Attempts to resolve disputes prior to the formal filing of a pleading by ensuring all procedural requirements have been satisfied.</p>
20%	<p><b>(E)</b></p> <p>(E) Rulemaking and Legislation Drafts proposed rulemaking packages including all supporting documentation for presentation to the Board for filing with the Office of Administrative Law. Prepares public notices and presides over public comment hearings on proposed rulemaking. Conducts legal research and compiles legal analysis to formulate responses to public comment generated in the rulemaking process. Monitors regulatory changes applicable to California courts and analyzes those regulatory actions for implications to the NMVB's operations as a quasi-judicial state agency. Monitors and reviews legislative proposals impacting the NMVB, and independently identifies bills having significant impact necessitating review by the Board in consideration of any public position to be taken on the proposed legislation. Provides legal counsel to the Board on all legislative matters. Acts as a liaison to numerous entities involved in the legislative process including Senator and Assembly member offices, CalSTA legislative staff, and the Department of Motor Vehicles' legislative office.</p>
15%	<p><b>(E)</b></p> <p>(E) Public Record Act Requests Oversees the handling of all Public Record Act requests, by independently reviewing requests and conducting legal analysis to determine appropriate record search criteria, directing NMVB staff, management and Board Members in the search of their records for responsive documents, providing direction to and oversight of support staff in compiling and appropriately redacting documents, reviewing responsive records to assure accuracy and to prevent inadvertent release of legally protected or personal identifying information, and drafting legally sound correspondence related to the requests. Responsible for the NMVB's timely and accurate response to Public Record Act requests.</p>



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15%	<p><b>(E)</b></p> <p>(E) Meeting planning Oversees and coordinates all aspects of Special and General Board meetings including preparation of the agenda in compliance with the Bagley-Keene Open Meeting Act, drafting meeting minutes or reviewing and approving drafts submitted by support staff, writing detailed and complicated policy and procedure memoranda, preparing the Executive Director’s Report to the Board, and Administrative Matrix. Develops and conducts periodic meetings for the Board's Administrative Law Judges to review recent and relevant case law, develop annual training plans, and make refinements to the Board's legal division publications. Makes presentations regarding the Board's legal program, sharing analysis of California franchise dispute cases, and collecting information from other participants to inform NMVB of actions in other jurisdictions that may have consequence to California</p>
15%	<p><b>(E)</b></p> <p>(E) Sensitive Correspondence Independently drafts sensitive or confidential correspondence to CalSTA, the Department of Motor Vehicles, or the Governor's Office. Identifies Board matters of special interest for reporting, and proposes appropriate action to the Executive Director. Drafts press releases and other writings of general or special interest to the public, including periodic publications distributed to NMVB stakeholders and interested parties.</p>
5%	<p><b>(M)</b></p> <p>(M) Training Attends and participates in industry conferences and seminars concerning a variety of Board related topics. Provides training to Board Administrative Law Judges on procedures to be followed when conducting hearings and settlement conference.</p>

<p><b>Supervision Received:</b> The incumbent receives general direction from the Executive Director.</p>
<p><b>Supervision Exercised and Staff Numbers:</b> None.</p>
<p><b>Physical Requirements:</b> The position is located in an office setting in Sacramento. Travel to attend meetings and conferences may be required.</p>
<p><b>Special Requirements:</b> Active member of the California State Bar. Knowledge of and experience with the laws and regulations that govern the motor vehicle industry. Knowledge and experience in formulating</p>



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and implementing regulations necessitated by legislation.

**Personal Contacts:** The incumbent is in close, frequent, and regular contact with members of the Board, DMV Legislative and Legal Division staff, and other federal, state, private and local agencies, such as the California Transportation Agency, and the California New Car Dealers Association

**EMPLOYEE ACKNOWLEDGMENT**

*I have read and understand the duties listed above and I certify that I possess essential personal qualifications including integrity, initiative, dependability, good judgment, and the ability to work cooperatively with others; and a state of health consistent with the ability to perform the assigned duties as described above with or without reasonable accommodation. (If you believe you may need to request reasonable accommodation to perform the duties of this position, discuss your request with your manager/supervisor who will engage with you in the interactive process.)*

EMPLOYEE NAME	EMPLOYEE SIGNATURE	DATE

**MANAGER/SUPERVISOR ACKNOWLEDGMENT**

*I certify this duty statement represents a current and accurate description of the essential functions of the position. I have discussed the duties of this position with the employee and provided the employee a copy of this duty statement*

MANAGER/SUPERVISOR NAME	MANAGER/SUPERVISOR SIGNATURE	DATE