

## DUTY STATEMENT

## State Compensation Insurance Fund

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| <b>Employee's Name:</b>                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                   |
| <b>Program:</b> Legal Department                                                                                                                                                                                                                                                                                                                                                                            | <b>Work Unit:</b><br>Workers' Compensation Defense                                                                                                                                                                |
| <b>Position's Authorized Classification (and Range):</b><br>Attorney                                                                                                                                                                                                                                                                                                                                        | <b>Report To:</b><br>Attorney, Assistant Chief Counsel                                                                                                                                                            |
| <b>Position Title:</b><br>Attorney                                                                                                                                                                                                                                                                                                                                                                          | <b>Position Serial #:</b>                                                                                                                                                                                         |
| <i>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.</i> | <b>CBID:</b> R02                                                                                                                                                                                                  |
|                                                                                                                                                                                                                                                                                                                                                                                                             | <b>FLSA Status:</b><br><input type="checkbox"/> Covered, Work Week Group 2<br><input checked="" type="checkbox"/> Not Covered, Exempt<br>WWG <input type="checkbox"/> E or <input checked="" type="checkbox"/> SE |

### PURPOSE/SCOPE:

Under the direction of the Attorney, Assistant Chief Counsel, the Attorney represents State Fund in handling/litigating workers' compensation cases and assignments of average complexity\*\* necessary to defend the State Fund and its insureds. This position handles Serious and Willful ("S&W") claims. Attorneys representing the interests of State departments will also handle Labor Code Section 132a cases before the Division of Workers' Compensation (DWC)/Workers' Compensation Appeals Board (WCAB).

This position may advise any of State Fund's Program Managers or Programs regarding a broad variety of workers' compensation related issues.

\*\* The Attorney is expected to effectively work on legal matters of average complexity, which consist of features including, but not limited to, the following:

- Average impact to the California business environment (employers, employees, the workers' compensation system)
- Average political and media impact, implications or sensitivity
- Average potential dollar amount of the transaction or risk
- Handle the majority of individual cases with average 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 moderate impact on State Fund
- Average level novelty and industry focus on legal issue(s) involved (new or unsettled points of law)
- Handle Serious & Willful (S&W) claims of average complexity\*\* before the WCAB.
- Average amount of time/resources needed to litigate (a reflection of the above factors)

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

## **KEY RESULTS/ESSENTIAL FUNCTIONS:**

**In all aspects of performing the Key Results/Essential Functions, the incumbent will:**

- Comply with the Code of Conduct
- Maintain regular and predictable attendance and/or communication availability during working hours.
- 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
- Effectively and competently represent State Fund, its insureds, and the State Departments under the Master Agreement 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.

*The statements contained in this duty statement reflect the 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 or specific functional areas.*

**40%**

- 1. Develop litigation strategy to represent the State Fund on workers' compensation cases of average complexity\*\* filed against the State Fund or the interests of the various State departments before the DWC/WCAB, including claims for serious and willful misconduct. Attorneys 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 supervision of the Attorney, Assistant Chief Counsel, may handle some cases of above average complexity.

**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 perform other administrative duties as required.
- b. Conduct inventory control, including but not limited to case audits, case counts, reviews for 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 expert legal opinions in a broad variety cases and advice matters of average complexity. 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. Maintain working knowledge of workers compensation issues. Through group and individual training of attorney staff, assist in developing their knowledge; provide direct and continuous training of legal support personnel.

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100%

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

**KNOWLEDGE AREAS:**

- This practice requires knowledge 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.
- Working knowledge of State Fund's computer-based technology.

**SKILLS/ABILITIES:**

- Ability to analyze applicable legal principles and precedents and to apply them to assigned cases.
- Ability to write effective and persuasive correspondence, legal memoranda, petitions, pleadings and appeals.
- Ability to effectively advocate for State Fund verbally and in writing.
- Ability to communicate professionally and effectively, verbally and in writing, with all customers and stakeholders.
- Ability to prioritize and effectively work in a fast-paced work environment.
- Ability to work independently and collaboratively as a team member with co-workers, management and other business partners.
- Ability to provide training to internal and external customers and stakeholders.
- Ability to work effectively with State Fund software applications and computer systems.
- Ability to develop innovative solutions and strategies.

**WORK ENVIRONMENT**

**PHYSICAL REQUIREMENTS:**

- Computer data entry, frequent light lifting, bending, reaching, carrying, and telephone work; mobility to various working areas.
- Occasional lifting up to 20lbs.

**TRAVEL:**

- Travel as necessary to fulfill duties as described.
- Travel may occasionally be from overnight to five days in duration.

**EMERGENCY CALLS:**

- N/A

**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. Employees are responsible for keeping management reasonably apprised of their schedules and whereabouts.