

# DUTY STATEMENT



CURRENT  
 PROPOSED

<b>CIVIL SERVICE CLASSIFICATION</b> Attorney III		<b>WORKING TITLE</b> Staff Counsel		
<b>PROGRAM NAME</b> Office of the Director			<b>UNIT NAME</b> Legal Unit	
<b>ASSIGNED SPECIFIC LOCATION</b> Sacramento			<b>POSITION NUMBER</b> 400 – 111-5795-XXX	
<b>BARGAINING UNIT</b> BU 2	<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 of the Office of the Director Legal Unit (OD Legal) and the Assistant Chief Counsels, the incumbent represents the Director of the Department of Industrial Relations, the Department, and division chiefs and managers in a variety of subject areas within the responsibility and jurisdiction of the Department. The incumbent performs the more complex and higher level work of OD—Legal. Incumbent is responsible for producing well-written legal briefs; to appear in workers' compensation, civil or administrative courts as necessary and as assigned.

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>
40%	Represent the Director of DIR as Administrator of two special workers' compensation funds – the Uninsured Employers Benefits Trust Fund (UEBTF) and the Subsequent Injuries Benefits Trust Fund (SIBTF) in workers' compensation cases litigated and adjudicated in the District Offices of the Workers' Compensation Appeals Board (WCAB), including through any Petitions for Reconsideration (appeals) to the WCAB, and any judicial review in the Court of Appeal or California Supreme Court.
30%	Provide legal analysis, advice and representation to the Director and the Department as a member of a practice area team in one or more of the following subject areas, as assigned, and based on the operational needs of the unit: 1) researching, analyzing, and making recommendations to the Director on request for public works coverage determinations, handling administrative appeals from those decisions, and defending the decisions of the Director in writ litigation when necessary; 2) serving as a hearing officer in appeals from civil wage and penalty assessments on public works projects which require the payment of prevailing wages, as well as in other areas where the Director is authorized to hold a hearing; 3) representing the Department in internal employment law and personnel matters, including proceedings before the State Personnel Board, Equal Employment Opportunity Commission, and California Civil Rights Department, and in related civil litigation; 4) representing the Department with respect to Public Records Act requests and any related litigation; 5) advising the Director and the Department with respect to matters involving the Information Practices Act and privacy issues; 6) reviewing and drafting recommended decisions on appeals from Labor Commissioner's decisions in retaliation complaint investigations; 7)

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	advising and representing the Department, divisions and management with respect to State contracting issues, including by reviewing and drafting contract documents as necessary; and 8) preparing legislative bill analysis documents and advising the Director with respect to rulemaking, legislation, and general policy issues. Attorney III's may serve as a lead for a practice area team, with the responsibility for tracking assignments to team members and exercising leadership on legal questions, but more often will work under the organizational and subject matter leadership of Attorney IV's and V's on the practice area teams.
15%	Represent the Director, the Department, and division chiefs in state and federal civil litigation, as assigned, and generally working in a two-person team led by a more experienced attorney, involving any of the following substantive areas, without limitation: challenges to the constitutionality of statutory provisions and/or Department practices; workers' compensation law; the California Prevailing Wage Law; challenges to the validity or enforcement of regulations; apprenticeship matters; self-insured workers' compensation plans; Public Records Act requests and litigation; wage and hour law; and occupational health and safety matters.
10%	Represent the Director of DIR in workers' compensation cases related to the Return To Work Supplement Program (RTWSP) and Death Without Dependent cases.
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<b>Percentage of Time Spent</b>	<b>Marginal Job Functions</b>
5%	Performs other job-related assignments and duties as required based on operational needs of the organization.

### Conduct, Attendance, and Performance Expectations

This position requires a high degree of professionalism, independence, organization, and productivity. The incumbent is expected to communicate in a respectful and productive manner with opposing counsels, clients, stakeholders, colleagues, and the public. The incumbent manages a caseload and independently performs more complex work, exercising initiative, judgment and broad discretion. All attorneys within OD—Legal are expected to conduct themselves ethically, to behave in a professional manner at all times while representing the Department, to demonstrate good judgment. According to the Bargaining Unit 2 MOU, which applies to all attorneys in OD—Legal, "[e]mployees 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."

### Supervision Received

Under the general direction of the Assistant Chief Counsel and Chief Counsel the Attorney III works with broad discretion and independence with minimum supervision.

### Supervision Exercised

None.

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

#### Work Environment

This position requires work in an office environment, being in a stationary position for long periods of

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time working at a computer, using a monitor and keyboard. The incumbent works in an air-controlled office building with natural and artificial lighting as well as temperature control. The ability to travel for a short duration (one to two days) is required for this position.

### Special Requirements/Other Information

Attorney III's must have at least five years of experience in the practice of law. Employees in this position must be a member of the California Bar and qualified to practice law in California.

### Physical Abilities

This position requires extensive use of a computer, as well as use of a telephone.

### Additional Requirements/Expectations

Short duration and/or short distance travel is required for this position.

### Personal Contacts

This position requires extensive contact with: other attorneys and staff in OD Legal; the Assistant Chief Counsels and Chief Counsel; personnel in other divisions of the DIR; workers' compensation administrative law judges; opposing counsel and other parties in workers' compensation matters; opposing counsel, co-counsel, and/or other parties in civil litigation; stakeholders; 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 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

\_\_\_\_\_  
C&S Analyst Initials

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