



Position Information

Employee Name:

Position Title:

Attorney

Program:

Legal Department

Work Unit:

Workers' Compensation Defense

Classification:

Attorney

Report To:

Attorney, Assistant Chief Counsel

Collective Bargaining Identifier (CBID):

R02

Fair Labor Standards Act (FLSA) Status:

Not Covered, Exempt. Work Week Group SE

Special Requirements

Conflict of Interest Designation: Yes

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.

Program Information:

The Legal Department at State Fund serves as the workers' compensation defense team, delivering superior outcomes for injured employees and employers by providing consistent quality work in paying what is owed, defending what is not owed, and doing so with urgency. The department focuses on improving culture and collaboration with business partners to build an environment where "Everyone Drives Great Experiences," providing the "EDGE" needed to make State Fund the industry's workers' compensation carrier of choice.

The department's strategic approach rests on four pillars: maintaining high-performance standards, optimizing case management, establishing effective governance, and streamlining systems and data management. These strategic components enable the Legal Department to advance State Fund's organizational excellence and strengthen its competitive position in the workers' compensation insurance industry.

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)

Essential and Marginal Functions:

In all aspects of performing the following functions the incumbent will:

- Comply with the Code of Conduct
- Maintain regular and predictable attendance and communication availability during working hours
- Maintain a safe work environment
- Defend 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.

This duty statement outlines the primary responsibilities and expected outcomes of the position. It is not intended to provide an exhaustive list of all job duties. Employees may be required to perform additional tasks as assigned, including work in other functional areas.

Description of Duties

40% Essential

- 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.**
 - 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% Essential

2. Competently represent State Fund, its insureds and State departments (before the WCAB.)

- 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% Essential

3. Administrative Duties as Assigned

- 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% Essential

4. Legal Liaison/Business Lead.

- 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% Essential

5. Training

- 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.

100%

Required 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.

Required Skills and 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 positioning of self to move and transport light objects, and telephone work; mobility to various working areas.
- Occasional movement of items up to 20 lbs.

Travel:

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

Emergency call backs:

- Not applicable.

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.

Supervisor's Statement: I have discussed the duties of the position with the employee

Supervisor Name (Print):

Supervisor Signature:

Date:

Employee's Statement: I have discussed with my supervisor the duties of the position and have received a copy

Employee Name (Print):

Employee Signature:

Date: