

State of California - Department of Social Services

DUTY STATEMENT

EMPLOYEE NAME:

CLASSIFICATION:

Attorney IV

POSITION NUMBER:

800-310-5780-015

DIVISION/BRANCH/REGION: *(UNDERLINE ALL THAT APPLY)*

Legal Division

BUREAU/SECTION/UNIT: *(UNDERLINE ALL THAT APPLY)*

Childrens and Community Care Licensing Policy Litigation

SUPERVISOR'S NAME:

Kori Tomlin

SUPERVISOR'S CLASS:

Assistant Chief Counsel

SPECIAL REQUIREMENTS OF POSITION *(CHECK ALL THAT APPLY)*:

- Designated under Conflict of Interest Code.
- Duties require participation in the DMV Pull Notice Program.
- Requires repetitive movement of heavy objects.
- Performs other duties requiring high physical demand. *(Explain below)*
- None
- Other *(Explain below)*

Employees assigned to work in the Legal Division are required to obtain a criminal record background clearance by the Department of Justice and the Federal Bureau of Investigation.

I certify that this duty statement represents an accurate description of the essential functions of this position.

I have read this duty statement and agree that it represents the duties I am assigned.

SUPERVISOR'S SIGNATURE

DATE

EMPLOYEE'S SIGNATURE

DATE

SUPERVISION EXERCISED *(Check one)*:

- None Supervisor Lead Person Team Leader

FOR SUPERVISORY POSITIONS ONLY: Indicate the number of positions by classification that this position DIRECTLY supervises.

The Attorney IV serves in a lead capacity and oversees the efforts of other Unit attorneys. The Attorney IV also may direct the work of one or more legal analysts and/or clerical staff in cases of litigation.

Total number of positions for which this position is responsible:

FOR LEADPERSONS OR TEAM LEADERS ONLY: Indicate the number of positions by classification that this position LEADS.

MISSION OF ORGANIZATIONAL UNIT:

The Legal Division's Program Litigation Branch is dedicated to providing legal advice and services to the Divisions of the Department responsible for administering or overseeing numerous social service programs and related functions. The CCL Policy Attorney IV in this Branch provides complex legal advice and services to the Community Care Licensing Division (CCLD). The CCLD oversees the licensure of numerous facility types that care for vulnerable clients. Examples include foster homes and congregate care settings for children, Adult Residential Facilities, Residential Care Facilities for the Elderly, and childcare settings.

CONCEPT OF POSITION:

The CCL Policy Attorney IV represents and advises the Department in the most complicated, politically sensitive, and fiscally significant legal work for the Community Care Licensing Division. The incumbent must have litigation or litigation support experience in order to represent the Department in State and Federal litigation and Federal disputes or investigations. The CCL Policy Attorney IV provides legal support for those cases having the greatest financial and programmatic impact on the State relating to federal law and licensing programs. The Attorney IV assigned to CCLD programs must have knowledge of, or the ability to learn, virtually any of the programs overseen by CCLD as complex legal issues in licensing arise.

A. RESPONSIBILITIES OF POSITION:

The Attorney IV must have high-level expertise as well as specialized knowledge of licensing laws including, but not limited to, foster care, elder care, child care, early childhood education, continuing care, congregate care, emergency shelter care, etc. This includes the ability to analyze and draft legislation to implement program changes involving numerous state and federal rules for licensing programs. In addition to advising Departmental executive staff, the Attorney IV provides expert advice and counsel to multiple agencies including the Attorney General's staff, Governor's Office staff, Health and Human Services Agency staff, County Counsels, and Legislators and their staff. The Attorney IV must also have the ability to analyze and draft legislation to implement program changes involving numerous state and federal rules for programs involving large amounts of the state budget. The incumbent must also know the regulatory process and be able to assist program staff in developing and defending licensing regulations. In addition, the Attorney IV must be capable of functioning under pressure in politically sensitive situations, and must be able to meet strict deadlines on an expedited basis with the highest degree of autonomy.

30% - Represents the Department in the most difficult, complex, and politically sensitive cases involving Community Care Licensing Programs. Coordinates with the Attorney General Office over the preparation of pleadings, motions, and briefs, and directly participates in State and Federal litigation. Researches and advises the Director, Deputy Directors, and other CDSS management on litigation, administrative, and negotiation strategies and options, including representing the Department in settlement negotiations with opposing counsel. Advises program personnel as they coordinate with facility and stakeholders on operational and implementation issues attendant to State and Federal legislation and litigation.

30% - Provides highly specialized and expert legal advice and counsel to the Department Director, Chief Deputy Director, Program Deputy Directors and their top program management staff, and other state and non-state entities. These entities include Legislators and their staff, Governor's Office and Agency staff, Deputy Attorneys General, County Counsels, and District Attorneys. Responds to the most difficult legal correspondence; drafts GARs and SARs regarding highly complex and/or sensitive issues.

10% - Represents the Department in disputes with the Federal government concerning State compliance with Federal requirements. Researches and advises the Director, Deputy Directors, and other CDSS management on litigation, administrative, and negotiation strategies and options regarding Federal and State audits, including representing the Department in settlement negotiations with Federal or State counsel.

10% - Drafts, reviews, and provides legal/tactical advice to the Administration Division (AD) and the CCLD regarding the most expensive and politically sensitive contracts and interagency agreements entered into third parties and service providers. Drafts, reviews, and provides legal/tactical advice to CCLD, Children and Family Services Division, and Early Childhood Development Division regarding the most sensitive regulations impacting these Divisions.

10% - Analyzes proposed legislation and its effect on existing licensing programs, laws, policy and regulations. Proposes and/or reviews statutory provisions; reviews proposed regulations; advises the Department's Legislative Office and executive staff and attends legislative and other public hearings on pending legislation and proposed regulations.

10% - Participates in task forces, work groups, and other policy development activities in the most programmatically/politically sensitive and financially significant subject areas.

B. SUPERVISION RECEIVED:

The Attorney IV reports to and receives general direction from a Senior Assistant Chief Counsel and/or Assistant Chief Counsel, but has independence and broad discretion to perform his/her duties without routine review.

C. ADMINISTRATIVE RESPONSIBILITY:

None, however the Attorney IV may be assigned to act in the absence of the Assistant Chief Counsel and/or Senior Assistant Chief Counsel. The Attorney IV is responsible for receipt and completion of assignments in his/her specialized area.

D. PERSONAL CONTACTS:

The Attorney IV has extensive contacts within and outside the department. As an expert in licensing laws and programs, the Attorney IV consults and advises CDSS managers, including the Director and Deputy Directors on complex legal matters. Other contacts within the administration include the California Health and Human Services Agency, the Department of Finance, and the Governor's Office. The Attorney IV also has extensive contact with the providers' executive officers, management, attorneys, accountants, lobbyists and residents.

E. ACTIONS AND CONSEQUENCES:

The Attorney IV deals with the most sensitive and complex issues legal issues related to the Community Care Licensing Division. Failure to provide sound legal advice and exercise good judgment could subject the Department to costly litigation or compliance action, with significant adverse fiscal and policy consequences.

F. OTHER INFORMATION:

The Attorney IV must obtain a criminal record clearance by the Department of Justice and the Federal Bureau of Investigation. Occasional travel, usually to assist a Senior Assistant Chief Counsel and/or Assistant Chief Counsel on matters involving litigation, or to provide advice, training, guidance etc. to Agency, Department or county staff is required. Office space is standard office in smoke-free environment.

(Rev. 2/2021 SD/RR)