

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

POSITION DUTY STATEMENT

☐ PROPOSED

☒ CURRENT

CDCR INSTITUTION OR HEADQUARTERS PROGRAM Office of Legal Affairs		POSITION NUMBER 065-400-5871-XXX		MCR / HCR 1
DIVISION / UNIT Employment Advocacy and Prosecution		CLASSIFICATION TITLE Assistant General Counsel		
		WORKING TITLE Vertical Advocate		
		TIME BASE / TENURE FT/Perm	CBID M02	WWG SE
LOCATION		INCUMBENT		EFFECTIVE DATE
CDCR'S MISSION and VISION				
Mission To facilitate the successful reintegration of the individuals in our care back to their communities equipped with the tools to be drug-free, healthy, and employable members of society by providing education, treatment, rehabilitative, and restorative justice programs, all in a safe and humane environment. Vision We enhance public safety and promote successful community reintegration through education, treatment, and active participation in rehabilitative and restorative justice programs. Commitment CDCR and CCHCS are committed to transforming the correctional landscape to create safer, more professional, and more fulfilling environments for our employees, the incarcerated population, and those supervised in our communities. Through systemwide improvements grounded in proven and emerging practices, we aim to strengthen rehabilitation, enhance workplace satisfaction, and support successful reentry into the community through our institutions, parole, and community partnerships. Our shared mission is to promote safety, wellness, and human dignity while fostering positive change for all those who live and work within our institutions and communities. CDCR and CCHCS are committed to building an inclusive respectful workplace. We are determined to attract and hire candidates from all communities and empower employees from a variety of backgrounds, perspectives, and personal experiences. We are proud to foster inclusion and drive collaborative efforts at all levels of the Department.				
DIVISION OVERVIEW				
The Office of Legal Affairs (OLA), Employment Advocacy and Prosecution Team (EAPT) assists in investigations into employee misconduct, advises on disciplinary decisions, and pursues disciplinary actions on behalf of CDCR. In addition, EAPT litigates requests to file charges with the State Personnel Board (SPB), appeals to the SPB, or whistleblower complaints before the SPB, and defends or prosecutes petitions for writs of administrative mandamus before the superior and appellate courts. EAPT works with highly sensitive and confidential information and requires employees to maintain strict confidentiality.				

GENERAL STATEMENT	
Under supervision and direction of the EAPT Chief Deputy General Counsel (CDGC) and Assistant CDGC, the Assistant Chief Counsel supervises, directs, and manages the work of EAPT Vertical Advocates, who represent the best interests of CDCR throughout the adverse action process, as well as providing legal support to CDCR on employee discipline matters and matters related to CDCR's internal affairs investigations.	
% of time performing duties	Indicate the duties and responsibilities assigned to the position and the percentage of time spent on each. Group related tasks under the same percentage with the highest percentage first.
35%	Plan, organize, coordinate, review, and direct the work of attorneys (Vertical Advocates) in one of the regions or units of EAPT; evaluate the performance of staff; actively participate in the hiring and provide recommendations regarding progressive discipline of EAPT attorneys; and all other supervisory and management duties related to the specific region or unit.
25%	Interact with and respond to inquiries from other entities, including the Office of the Inspector General (OIG); interact with and resolve matters with representatives with CDCR Office of Internal Affairs (OIA) regarding OIA investigations; evaluate and respond to OIG assessments of attorney performance.
20%	Provide legal advice to executive staff, hiring authorities, and other staff on issues relating to employee discipline matters; formulate legal strategies and recommendations for management action; personally perform assignments on high profile or high sensitivity matters; study, interpret, and apply laws, court decisions, and other legal authorities.
15%	Represent CDCR before administrative agencies, including SPB and the Department of Personnel Administration, the Legislature, and in State and Federal court, on issues relating to employee discipline matters. This task includes drafting and filing pleadings and briefs, discovery, and related documents; conducting discovery; coordinating CDCR's prosecution or defense with affected managers and organizational units; and appearing in court as necessary.
5%	Provide legal support to OIA during Central Intake; make recommendations regarding reconsideration of Central Intake decisions during the disciplinary process.
SPECIAL PERSONAL CHARACTERISTICS	
• Influence, change, and strengthen the community. Set an example each day through positive and pro-social role modeling, utilizing dynamic security concepts through observation and building rapport. • Willingness to play a significant role in the collaborative efforts toward rehabilitation and public safety enhancement. • Ability to facilitate conversations as a coach and mentor, engaging in a respectful and understanding manner. • Ability to build trust, improve communication, and assist with the transformation of correctional culture.	
SPECIAL REQUIREMENTS	
• CDCR does not recognize hostages for bargaining purposes. CDCR has a "NO HOSTAGE" policy, and all incarcerated people, visitors, non-employees, and employees shall be made aware of this.	
CONSEQUENCE OF ERROR	
• Failure to use sound judgment in the execution of the duties of this position may have far-reaching effects that may damage the credibility of the Department, limit the effectiveness of the legal representation by the Office of Legal Affairs and litigation counsel, and create or increase litigation risk.	

To be reviewed and signed by the supervisor and employee:

EMPLOYEE'S STATEMENT:

- *I HAVE DISCUSSED THE DUTIES AND RESPONSIBILITIES OF THE POSITION WITH MY SUPERVISOR AND RECEIVED A COPY OF THIS DUTY STATEMENT.*

EMPLOYEE'S NAME (Print)

EMPLOYEE'S SIGNATURE

DATE

SUPERVISOR'S STATEMENT:

- *I CERTIFY THIS DUTY STATEMENT REFLECTS CURRENT AND AN ACCURATE DESCRIPTION OF THE ESSENTIAL FUNCTIONS OF THIS POSITION*
- *I HAVE DISCUSSED THE DUTIES AND RESPONSIBILITIES OF THE POSITION WITH THE EMPLOYEE AND PROVIDED THE EMPLOYEE WITH A COPY OF THIS DUTY STATEMENT.*

SUPERVISOR'S NAME (Print)

SUPERVISOR'S SIGNATURE

DATE

**ASSISTANT CHIEF COUNSEL
ESSENTIAL FUNCTIONS**

THE ESSENTIAL FUNCTIONS OF THIS POSITION INCLUDE THE FOLLOWING:

- Maintain a regular work schedule during normal business hours at an approved worksite; work at least 40 hours per week, on average; work in excess of 40 hours in one week when necessary to complete a special assignment and be accessible 40 hours per week or more via department issued cell phone.
- Travel to and from worksites, correctional institutions and facilities, government offices, courthouses, and training venues, which may require traversing on uneven ground.
- Travel regularly to all parts of the State and travel occasionally outside the State, to include overnight stays.
- Work inside penal institutions and juvenile detention facilities in the presence of inmates, wards, and parolees.
- Communicate clearly and effectively in writing and in person.
- Use electronic software and databases to thoroughly and efficiently conduct legal research.
- Handle multiple tasks simultaneously and prioritize work, in consultation with the Chief Deputy General Counsels (CDGCs), in a fast-paced, high-stress environment.
- Perform research and analysis to solve complex legal problems; answer legal questions with clear and logical statements of fact, law, and argument; timely assess and respond to written and verbal communications; provide sound legal advice; exercise rationale and reasonable judgment; and implement effective courses of action in a timely manner.
- Effectively and professionally represent the department in all legal venues, before all legislative bodies, and at all administrative hearings, professional conferences, training seminars, and other meetings.
- Work collaboratively with and assist department staff, administrators, supervisors, investigators, and executives; as well as subordinate attorneys, supervising CDGCs, and the General Counsel.
- Transport legal files and other objects, which may weigh up to 50 pounds, to locations inside and outside the regular worksite.
- Supervise the work of subordinate attorneys, participate in the hiring process for subordinate attorneys, mentor and train subordinate attorneys, direct the work of subordinate attorneys, evaluate the performance of subordinate attorneys, and take appropriate action in the event of misconduct or underperformance by subordinate attorneys.

California Department of Corrections & Rehabilitation
Office of Legal Affairs

**ASSISTANT CHIEF COUNSEL
ESSENTIAL FUNCTIONS**

- Adhere to the California Rules of Professional Conduct adopted by the State Bar of California, Board of Trustees and approved by the California Supreme Court.
- Maintain active membership in good standing with the State Bar of California.

EMPLOYEE NAME

SIGNATURE

DATE