

DUTY STATEMENT



☐ **CURRENT**
☐ **PROPOSED**

CIVIL SERVICE CLASSIFICATION Attorney IV		WORKING TITLE Attorney IV		
PROGRAM NAME Division of Workers' Compensation			UNIT NAME Legal Unit	
ASSIGNED SPECIFIC LOCATION Oakland			POSITION NUMBER 400 – 601-5780-005	
BARGAINING UNIT BU2	WORK WEEK GROUP SE	BILINGUAL POSITION No	CONFLICT OF INTEREST FILER Yes	BACKGROUND CHECK No

General Statement

Under the general direction of the Chief Counsel and/or Assistant Chief Counsel, but working directly for the Administrative Director of the Division of Workers' Compensation, the Attorney IV acts as legal counsel on the most complex and sensitive matters relating to the Division. The Attorney IV exercises broad discretion and acts with great independence in providing legal representation and counsel. The Attorney IV is expected to perform the more complex, novel, difficult and sensitive legal work of the unit, and to have a high level of experience, strong technical lawyering skills, and subject matter expertise in multiple areas of the Division's responsibility.

The Attorney IV's duties include, but are not limited to: handling the most complex and sensitive rulemaking actions for the Division, including providing litigation support in writ petitions associated with Qualified Medical Evaluators (QME) and the alternative dispute resolution carve-out program; drafting and updating regulations pertaining to, among other things, alternative dispute resolution and the alternative dispute resolution carve-out program; performing legal research and drafting legal memoranda and correspondence on the most sensitive and complex issues; providing legal counsel, analysis, and advice to Division, Department, and Agency staff on issues pertaining to the workers' compensation system; analyzing and drafting proposed legislation and preparing bill analyses; analyzing requests for determinations and drafting proposed decisions for the Administrative Director's review; acting as counsel for the Audit Unit and Medical Unit in administrative enforcement actions; representing the Division in proceedings in both state and federal court and administrative bodies throughout the state; and providing legal advice and support on a wide variety of other issues that may arise in the operation of the Division.

The Attorney IV may serve as a practice team lead who helps organize and track assignments of other attorneys, and who uses their expertise to train less experienced attorneys and to support the delivery of high quality legal services to the Department. Essential functions of this position are to perform competently and with strong technical skills as a senior-level attorney in the specific job duties identified below; to accomplish assigned legal work with minimal supervision and exercising broad discretion, while also taking and following direction from the Chief Counsel, Administrative Director, and Division and Departmental leadership; to communicate effectively both orally and in writing, as required for the specific job duties, including by consistently producing thorough and well-written regulations, as well as comprehensive and compelling memoranda, legal briefs, and other written work product; to appear and perform competently and with a high degree of expertise and professionalism in civil or administrative courts or other forums; to communicate in a professional, respectful and productive manner with opposing counsel, clients, stakeholders, colleagues, and the public; to travel as necessary and as assigned; to present material to stakeholders in a clear and

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concise manner; and to demonstrate good judgment and act with high ethical standards.

Candidates must be able to perform the following essential functions with or without reasonable accommodations.

Percentage of Time Spent	Duties <u>Essential Job Functions</u>
40%	Provides legal advice and litigation support on a broad range of workers' compensation issues, including but not limited to the alternative dispute resolution carve-out program and QME discipline. Represents the Division in proceedings in both state and federal court and administrative bodies throughout the state.
15%	Handles the most complex rulemaking actions affecting sensitive and high profile aspects of the workers' compensation system including, but not limited to, regulations related to the alternative dispute resolution carve-out program. Drafts regulations and prepares rulemaking file in accordance with governing statutes and applicable Administrative Procedure Act requirements. Serves as project leader and lead attorney for complex rulemaking actions involving coordination of numerous staff and other resources. Handles formal and informal interactions with and inquiries from the public including those involving sensitive and contentious issues regarding the rulemaking or application and enforcement of the regulations.
20%	Provides legal oversight of the Alternative Dispute Resolution (ADR) program, commonly known as the "carve-out" program, established under Labor Code sections 3201.5 and 3201.7. Reviews and evaluates collective bargaining agreements and labor-management agreements submitted for ADR program approval to ensure compliance with statutory requirements, including proper mediation, ombudsperson, and arbitration procedures. Provides legal analysis, guidance, and formal advice to the Administrative Director on ADR program applications, disputes, regulatory interpretation, and policy matters to support the Administrative Director's oversight authority under the Labor Code.
10%	Provides legal advice and counsel to the Administrative Director, Chief Judge, Executive Medical Director and other Division managers and staff on the most complex and sensitive legal issues related to the broad range of issues facing the Division including, but not limited to, the various programs within the workers' compensation system. Performs legal research and drafts legal memoranda and correspondence on the most complex issues of law. Provides sensitive legal advice to the Labor & Workforce Development Agency Secretary and the Labor and Workplace Development Agency General Counsel relating to workers' compensation. Acts as counsel for the Audit Unit and Medical Unit in administrative enforcement actions. Addresses Petitions for Rating Reconsideration filed by unrepresented workers as well as Petitions for Change of Primary Treating Physician.
10%	Handles the most sensitive and complex legislative bill analyses and legislation drafting. Acts as liaison to legal community regarding the most complex and sensitive workers' compensation issues before the legislature.
Percentage of Time Spent	Marginal Job Functions
5%	Due to the level of expertise and experience this role requires, the incumbent may be called upon to assist in other areas, based on the Legal Unit's needs. Performs a variety of other highly sensitive and/or complex legal duties requiring a high level of skill, judgment, and diplomacy.

Conduct, Attendance, and Performance Expectations

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The State of California adheres to a number of laws and policies that are designed to promote a safe, comfortable, and professional work environment for all employees. The incumbent shall possess the general qualifications of the position and be able to perform their duties with integrity, honesty, dependability, thoroughness, accuracy, good judgment, initiative, resourcefulness, and the ability to work cooperatively with others. This position requires the incumbent to maintain consistent and regular attendance; communicate effectively (orally and in writing) in dealing with the public and/or other employees; develop and maintain knowledge and skill related to specific tasks, methodologies, materials, tools, and equipment; complete assignments in a timely and efficient manner; and, adhere to departmental policies and procedures.

Supervision Received

Under the general direction of the Attorney Supervisor, Assistant Chief Counsel and Chief Counsel.

Supervision Exercised

None.

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

Work Environment

The incumbent will work 40 hours per week in an office setting equipped with standard office equipment. Air conditioned, in a high-rise building with elevator access, cubicle with natural and artificial lighting.

Special Requirements/Other Information

Membership in the State Bar of California

Physical Abilities

The ability to use a computer, telephone, and other office equipment such as copiers and scanners is necessary. The incumbent may be required to travel by car or airplane.

Additional Requirements/Expectations

The incumbent is expected to communicate effectively orally and in writing in order to complete work assignments. The incumbent must be able to maintain appropriate confidentiality at all times due to the nature of the work performed. Additionally, the incumbent must be dependable and have the ability to work cooperatively with staff at all levels both within and outside the Department.

Personal Contacts

The incumbent has contact with the Administrative Director and staff at all levels within the Division and Department, as well as external stakeholders, staff at the Labor and Workforce Development Agency as well as staff from the Governor's office and Legislature.

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

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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