

Department of Consumer Affairs (Department)

Position Duty Statement

HR-041 (07/2015)

Classification Title	Board/Bureau/Division
Attorney V	Legal Affairs Division (Division)
Working Title	Office/Unit/Section / Geographic Location
	Legal Affairs/ Sacramento
Position Number	Name and Effective Date
610-200-5781-001	

General Statement: Under the general direction of the Assistant Deputy Director, Legal Affairs Division, the Attorney V will serve as an exclusive expert and independently perform the most difficult and complex legal work for the Legal Affairs Division, which requires the highest level of expertise and involves innovative theories, practices of law, and specialization. Using broad discretion and working independently with minimal supervision, the Attorney V provides professional legal services to the Department, especially the Office of Human Resources, Equal Employment Opportunity Office, and Division of Investigation, and the Department's boards, bureaus and programs (collectively, the "boards"). The Attorney V must possess the ability to interact independently, professionally and courteously with all staff while performing multiple tasks that often require stringent deadlines. Duties include the following:

A. Specific Assignments [Essential (E) / Marginal (M) Functions]:

35% Employment Actions (E)

Review and analyze evidence contained in requests for employment action files to determine whether grounds exist to support formal disciplinary or non-disciplinary employment action. Draft pleadings, correspondence, memoranda and other legal documents, as necessary, required by or in support of the matter.

35% Labor and Employment Consultation and Advice (E)

Advise Department staff, particularly executive management, the Office of Human Resources, Equal Employment Opportunity Office, and Division of Investigation, and board staff regarding legal issues involving personnel management, including advising on adverse actions, non-punitive actions, progressive discipline, reasonable accommodations, unemployment insurance benefit claims, wage claims, workers' compensation, harassment, discrimination, and retaliation claims, and labor grievances.

20% Hearing Representation (E)

Research legal issues, draft pleadings, statements, proposed orders, memoranda, and other legal documents, as necessary, and represent the Department before administrative tribunals, including the State Personnel Board, the Department of Human Resources, the California Unemployment Insurance Appeals Board, CalPERS, and the Labor Commissioner. In conjunction with the Department of Human Resources, assist in preparing employment cases for formal hearing by (1) issuing subpoenas, as necessary; (2) preparing witnesses to testify; (3) conducting research on legal issues likely to arise at a hearing and, when necessary, prepare legal memoranda on such issues; (4) organizing a

reasoned, logical and coherent presentation of testimony and evidence, and legal argument (written and/or oral) based on issues arising at the hearing; and (5) responding to such post-hearing matters (motions, petitions for reconsideration, notice of rejection of proposed decisions, etc.) as appropriate and necessary under the circumstances of the case. Act as the Department's representative coordinating litigation with the California Department of Human Resources and the Attorney General's Office.

5% Professional Development and Training (E)

Devotes time to his/her own professional development, attends educational programs designed to maintain competency in current public labor and employment law, prepares for and conducts education and training programs, and develops training materials, in conjunction with Department human resources personnel, and acts as a liaison with other relevant organizations. Mentors lower level attorneys in matters where he/she has developed an expertise.

5% Administration (M)

Devotes time to matters of purely administrative nature, including meeting with Division staff, reports of activities, maintenance of time records, maintenance of files, and tracking and monitoring matters.

B. Supervision Received

The Attorney V is directly supervised by the Assistant Deputy Director, but may also receive assignments from the Deputy Director of the Division.

C. Supervision Exercised

While the Attorney V does not have formal supervisory authority, the Attorney V may provide advice and guidance to other counsel, and may act in a lead capacity with an Attorney IV, Attorney III, or an Attorney.

D. Administrative Responsibility

Minimal, as needed.

E. Personal Contacts

The Attorney V has frequent contact with professional, management and support staff in the Division, Executive Staff, Office of Human Resources staff, Equal Employment Opportunity Office staff, Division of Investigation staff, board staff, private attorneys, the California Department of Human Resources, and the Attorney General's Office. Many of these contacts are sensitive, and may also be confidential under the attorney-client and work product privileges.

F. Actions and Consequences

Failure to perform these duties adequately could result in inefficient operation of the Department and/or Division, and could also result in provision of inaccurate or incomplete advice or assistance, with the possibility that recipients of these services might take positions or implement policies that are not advantageous or are not adequately supported.

G. Functional Requirements

The incumbent is expected to work an office setting in the Legal Affairs Division suite, with artificial light and temperature control. In-person work is essential to establishing and maintaining rapport with Department and board staff, effectively communicating and collaborating with staff, assuring assimilation, knowledge transfer, and accountability for work projects, maintaining consistency with other part of the Department, and for professional development. The ability to use a personal computer is essential. The position requires bending and stooping to retrieve files; occasional light lifting, up to 10 – 15 lbs.

The incumbent is a Work Week Group SE employee and is expected to work an average of 40 hours per week each year, and may be required to work specified hours based on the business needs of the office. The Attorney V must be available during core business hours (typically 8 a.m. – 5 p.m.) with the understanding that a typical work week is generally 40 hours, but may be more, or less, depending on operational needs and demands.

The incumbent is required to travel, as needed, to attend hearings and meet with Department and board staff.

H. Other Information

Licensing Requirement: Incumbent must maintain active membership in the California State Bar and comply with the Rules of Professional Conduct at all times.

The position is subject to Title 16, section 3830 of the California Code of Regulations, the Department of Consumer Affairs' Conflict of Interest Regulations. The incumbent is required to submit a Statement of Economic Interests (Form 700) within 30 days of assuming office, annually by April 1st and within 30 days of leaving office.

Due to the heavy workload and time sensitive nature of the work, regular and consistent attendance is critical to the successful performance of this position. The Attorney V must possess good communication skills and be able to work efficiently and cooperatively with others. This position has access to confidential and sensitive information and is expected to maintain the privacy and confidentiality of such information at all times.

In all job functions, employees are responsible for creating an inclusive, safe, and secure work environment that values diverse cultures, perspectives, and experiences, and is free from discrimination. Employees are expected to provide all members of the public equitable services and treatment, collaborate with underserved communities and tribal governments, and work toward improving outcomes for all Californians.

I have read and understand the duties listed above and I can perform these duties with or without reasonable accommodation. (If you believe reasonable accommodation is necessary, discuss your concerns with the hiring supervisor. If unsure of a need for reasonable accommodation, inform the hiring supervisor, who will discuss your concerns with the Health & Safety analyst.)

Employee Signature

Date

Employee's Printed Name, Classification

I have discussed the duties of this position with and have provided a copy of this duty statement to the employee named above.

Supervisor Signature

Date

Printed Name, Classification