

DUTY STATEMENT☒ **CURRENT**☐ **PROPOSED**

RPA Number: HRC0001366	Classification/CBID: Attorney, Assistant Chief Counsel/M02	Position Number: 810-413-5871-003
Incumbent Name:	Working Title: Assistant Chief Counsel	Effective Date:
Tenure: Permanent	Time Base: Full-Time	Intermittent Hours Per Month:
Program/Division: Office of Legal Counsel	Branch/Section/Unit: Office of Legal Counsel	Reporting Location: Chatsworth
Supervisor's Name: Dennis Beck	Supervisor's Classification: Career Executive Assignment, A	Position Telework Eligible: ☒ YES ☐ NO
Confidential Designation: ☐ YES ☒ NO	Designated Position for COI: ☒ YES ☐ NO	Position Designated Bilingual: ☐ YES ☒ NO
Supervision Exercised: ☐ None ☐ Lead ☒ Managerial ☐ Supervisory		

General Statement

This position requires the incumbent to maintain consistent and regular attendance; communicate effectively (orally and in writing if both appropriate) 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 department policies and procedures regarding attendance, leave, and conduct.

Equity Statement

The Department of Toxic Substances Control (Department) values diversity, equity, and inclusion throughout the organization. We foster an environment where employees from a variety of backgrounds, cultures, and personal experiences are welcomed and can thrive. We believe the diversity of our employees is essential to inspiring innovative solutions. Together we further our mission to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.

Position Description

Under general direction, the Attorney, Assistant Chief Counsel (ACC), in the Office of Legal Counsel (OLC) performs duties related to program management, policy development, interpretation, and implementation within OLC. Assists the Deputy Chief Counsel and Chief Counsel with providing legal advice, consultation, and opinions to management on complex and sensitive legal and policy issues. The ACC performs the most complex and sensitive legal work required by the Branch as well as providing consistent and substantive supervision to subordinate staff to ensure their work is completed timely, accurately and in a professional manner. Duties include but are not limited to the following:

Essential Functions (Including percentage of time):

35%	<u>Program Support</u> Works with and supports Department Program staff, oversees legal consistency and formulates legal policy pertaining to the implementation of applicable laws and regulations, including the Hazardous Waste Control Law (Health & Saf. Code, division 20, chapter 6.5), Hazardous Substance Account Act (Health & Saf. Code, division 20, chapter 6.8), Resource Conservation and Recovery Act (42 U.S.C. § 6901, et seq.), Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. § 9601, et seq.), and California Environmental Quality Act (CEQA) (Pub. Resources Code, §§ 21000 - 21178, Cal. Code Regs., tit. 14, § 753, §§ 15000 – 15387). Provides legal recommendations and other legal support concerning proposed legislation and regulations, and complex litigation, including, but not limited to, enforcement actions and suits to recover the Department's cleanup oversight and response costs. Coordinates and reviews Department responses to Public Records Act (PRA) requests and other public and legislative inquiries to ensure due consideration of all relevant issues and conformance with legal requirements. Represents the Department in negotiating, finalizing, and enforcing cleanup or corrective action agreements with responsible parties. Regularly meets with the Department's Executive Management and other key staff, as well as personnel from the California Environmental Protection Agency and the Governor's Office, Office of Legal Counsel to coordinate legal support. Program support emphasis will include regulatory and cleanup oversight related to Metal Shredders.
25%	<u>Personnel Management and Human Resources</u> Plans, organizes, directs, and provides managerial review of the work performed by staff in OLC. Provides regular and timely written performance appraisals to staff. Counsels staff and initiates disciplinary actions as necessary. Recruits, hires, trains, develops, and provides leadership to staff. Complies with state and federal laws, rules, regulations, bargaining unit contracts, and policies in all personnel practices, including hiring, employee development, and management. Identifies appropriate long-range plans and goals to address succession planning and knowledge transfer. Provides legal advice and assistance to the Department's management concerning human resources, including regarding the interpretation of statutes, regulations, and policies related to personnel administration, discipline, equal employment, Workers' Compensation, Reasonable Accommodation, whistleblower complaints, conflicts of interest, interpretation of union contracts, and the Family Medical Leave Act.
10%	<u>Pre-Litigation and Litigation Support; Enforcement</u> Provides legal direction, support, and advice related to and in preparation for complex litigation in federal and state courts. Evaluates claims and works to avoid litigation by securing pre-litigation settlement agreements or similar, where appropriate. Represents the Department in negotiations, litigation, legislative hearings, and meetings with State or outside agencies and organizations. Prepares or reviews legal documents for hearings and meetings as required, including legislation, regulations, policy documents, bill analyses, contracts, and correspondence. Prepares and reviews case referrals to the Office of the Attorney General (OAG) and other prosecuting agencies. Coordinates enforcement and case management issues with the OAG and other prosecuting agencies. Works with, directs, and supports the OAG in litigation and in anticipation of litigation, including preparing for pre-trial and trial matters; reviewing and commenting on complaints, motions, and other pleadings; responding to discovery requests; conducting negotiation and settlement; and preparing witnesses and expert witnesses for trial. Prepares complex enforcement cases for administrative proceedings and for filing in federal and state courts. Advises decisionmakers regarding complex and sensitive issues related to litigation and enforcement cases, including liability issues and governmental immunity issues. Advises program staff on litigation-related issues. Supports the OAG in defending the Department in lawsuits contending that the Department failed to comply with CEQA or other requirements.

10%	<u>Assistant to Chief Counsel</u> Advises the Chief Counsel and Deputy Chief Counsel on office organizational issues, legal and state-wide policy issues, as a member of senior management for OLC. Assists and supports the Chief Counsel, Deputy Chief Counsel and Department Director in Departmental legal policy formation and implementation, in cooperation with other entities within California state government. Works on special projects relating to statewide or Department-wide policy issues.
5%	<u>Contracts and Procurement Legal Advisor</u> Oversees legal consistency and formulates legal policy pertaining to the implementation of applicable laws and regulations, related to procurement, contracting, and grant administration and acquisition.
5%	<u>Procedural Development and Training</u> Develops model documents, legal forms, and legal policies and procedures affecting the Department's functions, roles and responsibilities. Conducts legal training on state and federal laws and regulations for Departmental staff.
5%	<u>Administrative Tasks</u> Performs administrative duties including, but not limited to: adheres to Department policies, rules, and procedures, submits administrative requests including leave, overtime, travel, and training in a timely and appropriate manner; accurately reports time in the Daily Log system and submits time sheets by the due date.
Marginal Functions (Including percentage of time):	
5%	<u>Other Duties</u> Performs other related duties as required to support the functions of OLC.
Consequences of Error: (if applicable)	
Failure to use good judgment in handling sensitive or confidential information could result in sensitive, confidential and/or attorney-client privileged information being released to unauthorized person(s) and may result in adverse actions or compromise legal positions of the Department.	
Typical Physical Conditions/Demands:	
The work typically requires sitting for prolonged periods while reading, writing, typing, and participating in meetings. The position requires bending and stooping. The job requires extensive use of a laptop computer and the ability to sit/stand at a desk, utilize a phone, and type on a keyboard for extended periods of time. It may be required to stand, bend, squat, reach, grasp and pick up items consistent with office work. The incumbent may be required to lift 25 pounds and occasionally stand, bend, squat, reach, grasp, or kneel for long periods.	
Typical Working Conditions:	
Works in multi-story building in an office setting using a variety of office equipment, e.g., computers, telephones, copiers, etc., with artificial light and temperature control, and attends meetings in similar settings. On an as-needed basis, work outside normal work hours, including evenings and weekends, may be required. A telework schedule may be available (the incumbent will be expected to be available through various platforms throughout the day to communicate on work related activities). The work schedule is Monday through Friday. Travel may be required locally and within the state. If travel is required, it will be by commercial carrier or auto, whichever method is in the best interest of the State of California. This position will have daily contact with Department staff, external state, and federal agencies, and local government representatives, and the public either in person, via email/telephone, or videoconferencing.	

Confidentiality Clause

The ACC will have a high level of responsibility and will handle attorney-client privileged information, as well as other confidential and/or highly sensitive information. The ACC is expected to conduct all confidential work in a secure, enclosed workspace to ensure privileged communications and sensitive materials are not exposed to unauthorized persons. The ACC must follow office procedures that require secure meeting spaces and restricted access to confidential information.

Special Requirements of Position (Check all that apply):

- ☐ Duties performed may require pre-employment and/ or routine screenings (background/criminal/fingerprint clearance, drug testing, fingerprinting, physical, etc.).
- ☐ Duties require participation in the DMV Pull Notice Program.
- ☐ Performs other duties requiring high physical demand. (Explain below)
- ☐ Requires repetitive movement of heavy objects and/or operation of heavy machinery or motorized vehicles.
- ☒ Other (Explain below)

Explanation:

The ACC must have the ability to handle sensitive and confidential materials/matters; work effectively under pressure; establish cooperative working relationships and communicate effectively and with empathy with all levels within the Department and outside stakeholders while managing multiple and conflicting projects, priorities, and time deadlines, to deliver programs and services. The ACC must also understand the different functions within the Department and other State and local agencies and how they relate to each other and be aware of and consider stakeholder interest in the Department's programs. The ACC must use discernment and logical reasoning in decision-making, analyze information to reach accurate and defensible conclusions and resolve complex problems, and be able to clearly communicate those conclusions; find creative and workable legal solutions to difficult problems or legal barriers; and understand and apply the Department's Equal Employment Opportunity policies and procedures. Additional expectations include the ability to: demonstrate a commitment to perform duties consistent with the Department's mission, vision, and core values, including diversity, equity, and inclusion; demonstrate a commitment to the equal employment opportunity program and maintain a work environment free from discrimination and sexual harassment; adhere to all the Department's and State policies and procedures; demonstrate a commitment to represent the Department in an ethical manner and with respect, professionalism, empathy, and integrity; take calculated risks and embrace new challenges with passion and energy; plan strategically, set realistic goals, and measure performance outcomes; develop strong partnerships and collaborate across all the Department's programs as well as the Board, Departments, and Offices under the California Environmental Protection Agency to identify best practice solutions; communicate effectively, orally and in writing, with representatives from all levels of government, the public, Legislative, and Executive Branch; and demonstrate essential personal qualifications, including integrity, initiative, dependability, good judgment, accountability for self and entire team, and the ability to work cooperatively with others. The ACC performs the full range of supervisory and management duties including, but not limited to: interprets and adheres to policies, rules, laws, regulations, and bargaining unit contracts; provides direction and guidance regarding work assignments and daily work activities to ensure timely completion of assignments; reviews work and evaluates performance of staff by providing regular feedback and completing timely probationary reports, annual performance appraisals, and individual development plans; monitors employee performance and, if necessary, utilizes progressive disciplinary principles and procedures; completes personnel documentation and utilizes the competitive hiring process; and approves or denies administrative requests including leave, overtime, travel, and training. The ACC is responsible for administrative tasks and issues affecting or arising out of OLC, such as tasks and issues related to contracts, budgets, and personnel in OLC. The ACC must be licensed to practice law in California.

Supervisor Statement

I certify this duty statement represents an accurate description of the essential functions of this position. I have discussed the duties of this position with the employee and provided the employee a copy of this duty statement.

Supervisor Name	Supervisor Signature	Date

Employee Statement

I have discussed these duties with my supervisor and have been provided a copy of this duty statement. I certify I have read, understand, and can perform the duties of this position either with or without reasonable accommodation*.

**A Reasonable accommodation is any modification or adjustment made to a job, work environment, or employment practice or process that enables an individual with a disability or medical condition to perform the essential functions of his or her job or to enjoy an equal employment opportunity. (If you believe reasonable accommodation is necessary, check yes. If unsure of a need for reasonable accommodation, inform the hiring supervisor, who will discuss your concerns with the Reasonable Accommodation Coordinator.)*

Do you need a reasonable accommodation to perform the essential functions of this position?	☐ YES ☐ NO
---	--

Employee Name	Employee Signature	Date

HUMAN RESOURCES BRANCH USE ONLY:

☒ Duties meet class specifications and allocation guidelines.

☐ Exceptional allocation, STD 625 on file.

Analyst initials: ke Date Approved: 9/30/2026

Revision Date (if applicable): Click or tap to enter a date.