

State of California - Department of Social Services

DUTY STATEMENT

EMPLOYEE NAME:

VACANT

CLASSIFICATION:

Attorney IV

POSITION NUMBER:

800-310-5780-014

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

Legal Division/ITAL

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

SUPERVISOR'S NAME:

Kevin Kwong

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.

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.

The Attorney IV, Information Governance, serves in a lead capacity and may oversee the efforts of attorneys and attorney IIIs in the Branch, as necessary. The Attorney IV also may direct the work of one or more Legal Analysts, Senior Legal Analysts and/or clerical staff.

MISSION OF ORGANIZATIONAL UNIT:

The CDSS Legal Division's Information, Technology and Administrative Litigation (ITAL) Branch is dedicated to providing legal advice and services to the various Divisions within the Department responsible for administering or overseeing numerous social service programs and related functions, including those services provided by the Administration Division, Disability Determination Service Division, Information Systems Division, Research Automation and Data Division, and the Office of Equity.

CONCEPT OF POSITION:

With broad discretion and independence, the Attorney IV performs the most complex and sensitive legal work in the Department related to the disclosure of public records through the California Public Records Act (PRA), the Information Practices Act (IPA), discovery, subpoenas, and other requests for disclosure. The Attorney IV is a subject matter expert in a broad range of legal issues and specializes in the legal obligations and risks associated with the access, disclosure, preservation, collection, and privacy rights associated with public records.

A. RESPONSIBILITIES OF POSITION:

50% - Serves as the department's subject matter expert on information governance, advising on access, disclosure, preservation, and security of department records. Provides legal advice and consultation to all department programs on the California Public Records Act (PRA), the Information Practices Act (IPA), subpoenas, service of process, discovery (including e-discovery), litigation holds, records retention, and other data/information requests from State Agencies, the Legislature, researchers, stakeholders and the public. Maintains current knowledge of applicable federal and state laws, and de-identification standards, in these areas. Applies sound legal judgment and knowledge of department policy when providing advice, determining whether records are privileged or otherwise exempt from disclosure, preparing correspondence, and reviewing and redacting documents. Possesses knowledge of federal and state laws related to service of legal documents and is able to analyze documents received by the department to determine if service requirements are satisfied.

20% - Develops, organizes, and conducts statewide training on PRAs, IPAs, subpoenas, service of process, and records management, in accordance with applicable federal and state laws, departmental policies, and data de-identification standards. Responsible for the development, modification, and presentation of training materials and curriculum.

15% - Conducts legal research, writes formal and informal legal opinions, and creates other documents pertaining to the PRA, IPA, subpoenas, and other areas related to information governance. Communicates with Department executives, the California Health and Human Services Agency (CalHHS), the Governor's Office, and other parties regarding analysis, strategies and risk on sensitive disclosures, and issues of statewide importance.

10% - Serves as Chair of the CalHHS PRA legal work-group, developing strategy, discussion, and Agency-wide practices for legal compliance. Responsible for creating agendas, preparing and presenting materials, and facilitating discussions and work groups tasks. Serves as a resource for other CalHHS attorneys on information governance questions.

5% - Provides litigation support to the Attorney General's Office on department litigation matters by reviewing pleadings, assisting with discovery, obtaining information and appearing as needed at mediations, arbitrations, settlements and court appearances. Assists the Attorney General's Office with interpretation of statutes, regulations, policies and procedures regarding the department's authority, and roles and responsibilities. May appear in Superior Court, before the State Personnel Board, or other administrative tribunal.

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 timely receipt and completion of assignments in their specialized area.

D. PERSONAL CONTACTS:

The Attorney IV has extensive contacts within and outside the Department. As an expert in the laws relating to the classification, preservation, collection, review and disclosure of public records by the Department, the Attorney IV consults and advises CDSS executives and 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 stakeholders, advocates, other government and private attorneys, accountants, lobbyists and county residents.

E. ACTIONS AND CONSEQUENCES:

The Attorney IV deals with the most sensitive and complex legal issues in the assigned area. Failure to provide sound legal advice and exercise good judgment could subject the Department to costly litigation or compliance action, or other penalty, with significant adverse fiscal and policy consequences.

F. OTHER INFORMATION:

Occasional travel, for purposes of providing advice, training, guidance, etc. to Agency, Department or county staff or to assist a Deputy Attorney General on matters involving litigation is required. Employees assigned to the Legal Division are subject to a criminal record background check clearance by the Department of Justice and the Federal Bureau of Investigation. Office space is standard in a smoke-free environment.